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SPEECH

OF

MAJ.-GEN. BENJ. F. BUTLER,

UPON THE

CAMPAIGN BEFORE RICHMOND,

1864.

DELIVERED AT LOWELL, MASS., JANUARY 29, 1865.

WITH AN APPENDIX:

THE TWO ATTACKS ON FORT FISHER; SPEECH ON THE TREATMENT OF THE NEGRO,
DELIVERED AT BOSTON, MASS., FEBRUARY 4, 1865; SPEECH OF HON. GEO. S.
BOUTWELL, IN REPLY TO CHARGES OF HON. JAMES BROOKS, OF NEW
YORK, AGAINST GEN. BENJ. F. BUTLER, DELIVERED IN THE
HOUSE OF REPRESENTATIVES, JANUARY 24, 1865.

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MAJOR-GENERAL BUTLER AT HOME.

On Saturday, January 29th, the largest meeting ever convened in Huntington Hall, welcomed General Butler home. A Committee of forty-five of the most prominent citizens accompanied the General to the Hall, where the Mayor addressed the General as follows:—

MAYOR PEABODY'S ADDRESS.

FELLOW-CITIZENS,— You have assembled to-night to welcome to his home one who needs no introduction through me to a Lowell audience. This Committee of his neighbors and friends have designated me to preside at this spontaneous gathering. In all that pertains to our distinguished friend, as connected with this Rebellion, you, fellow-citizens, have always manifested a deep interest. You well remember his untiring exertions in forwarding our Sixth Regiment, on the ever memorable 16th of April, 1861. You know with what alacrity he left his home and a lucrative profession to offer his services to the Government, the heads of which were not of his choice. It was sufficient for him to know that our national flag had been assailed, to cause him to sunder every tie except that which bound him to his country, and rush to her defence. With anxious hearts you followed him to Havre-de-Grace, and rejoiced when he demonstrated the fact that there were other routes to the Capital except through Baltimore. You rejoiced when, subsequently, he was enabled to save Maryland from the treason which threatened her, and to give her direction in that glorious path which has since led her to shake off the shackles of treason and slavery, and emerge a free and loyal

State. You have followed him to New Orleans, and witnessed with feelings of pride his masterly energy in governing the heterogeneous population of that city, refuting the subtleties of foreign diplomatists, punishing the guilty, and protecting the poor and unfortunate; and, more recently, in the siege of Richmond, you have anxiously watched the progress of events, ever solicitous for his success. To you, fellow-citizens, who so well know and appreciate him, it is needless for me to say more, as I know you are more anxious to hear his familiar voice than mine.

General Butler, on behalf of this Committee and this vast assemblage of your fellow-citizens, I bid you a cordial welcome to your home, assuring you, sir, that to whatever circumstances we are indebted for this visit, our confidence in your patriotism, integrity, and ability, is unimpaired.

Ladies and gentlemen, I have the honor to present to you your distinguished fellow-citizen, Major-General Butler.

RESPONSE OF GENERAL BUTLER.

THE WORK FOR THE FREEDMEN IN HIS DEPARTMENT.

HIS HONOR THE MAYOR, MY FRIENDS AND NEIGHBORS, — I propose, with your leave, to recall to your minds what has happened to the army in the field, and especially what has occurred within the narrower circle where I have endeavored to serve the interests of the country, since I left you a year ago November last. Called by the partial kindness of the President to take command of the Department of Virginia and North Carolina, upon reaching Fortress Monroe, and looking about to see what duties devolved upon me, I found there, in the first place, demanding immediate attention, eighty thousand freedmen, women and children, who had escaped from slavery, and thrown themselves as wards upon the guardianship of the United States. There was no departmental organization for their care, maintenance, protection, and education.

My first duty, then, upon assuming command in the absence

of active military operations, seemed to be toward the helpless beings thus cast upon our hands. I knew what you would have said ought to be done under the circumstances, and I did as I thought you would have done. I established system, order, and organization of labor, so that the freedman who would work could work; and those who would not work might find means whereby they should work; and so that every freedman, woman, and child should have what, thank God, we always have had in Massachusetts for all, food and raiment, and protection from the inclemency of the weather. (Applause.)

A HUNDRED THOUSAND DOLLARS SAVED, AND FIVE THOUSAND
NEGRO SOLDIERS RECRUITED.

Aided by your fellow-citizens, Captain Wilder, Captain Brown, and Captain James, I applied myself to this work, and presently order and industry arose out of chaos in the affairs of the freedmen of North Carolina and Virginia. The organization of those affairs was carried on still further under the charge of Lieutenant-Colonel Kinsman, and has since been continued under the superintendence of your townsman, Major Carney. We have, as the result of one year's work in that Department, five thousand men brought into the Army of the United States, without bounty; and how many more with bounty I do not know, because they were credited to the several States in whose regiments they enlisted, and not to the United States. By the labors of this year, we have demonstrated that the former slave population of the South can be self-supporting, even without a large proportion of the able-bodied men. We have saved from the Government rations alone, which were to be dealt out to them, one hundred thousand dollars, and all this in two Districts, having made the large losses in the negro affairs of North Carolina because of the disturbance of labor from the yellow fever, the fall of Plymouth, and the evacuation of Washington, in April last, by the order of the Lieutenant-General. Within the same space

of time we have succeeded in demonstrating that these negroes are capable of being educated.

THE FREEDMEN TAUGHT TO READ.

Aided by the self-sacrificing labors of benevolent teachers from the North, hundreds and thousands of children have there been taught to read, and adults, too, who never read before. And thus the negro is being fitted for that new state of liberty and citizenship to which he has been raised. Such are some of the results of this war. (Applause.)

THE EXCHANGE OF PRISONERS OF WAR.

The next matter in order of time to which my attention was called was the exchange of prisoners: a subject which interests every man, woman, and child, who has a brother, son, husband, or father, in the army. That also was placed in my hands by the partiality of the President. I found the former Commissioner of Exchange of the United States, and the Agent acting in the behalf of the Confederate States, contending upon questions as to how the accounts, in regard to the exchange of prisoners, should be kept; whether the United States had received a few more or less than the Confederate States, or the contrary; and a state of embittered feeling had arisen between them, so that exchanges had been suspended. I, therefore, tried the experiment to see if the Confederates would return man for man; they giving us as many soldiers as we gave to them. This was done; and laying all other questions aside, a special exchange went on. Some time in March last, Mr. Ould, the Confederate Agent of Exchange, came to Fortress Monroe, and there, after a full discussion of all matters of difference, we came to a just and equitable understanding; arranging the adjustment of numbers delivered, paroles, and exchanges, on all disputed points but one, and that related to exchange of negro soldiers. The Confederate Agent persisted that negroes heretofore in bondage, when captured, should

be treated as slaves, and set at work as slaves under their masters. This I could not permit. Whoever had worn the uniform of the United States, as a soldier, was entitled to its protection, in the fullest sense. Having settled all else, however, I had determined to bring about a system of special exchanges until we should receive all the white men held by the rebels, and should give them an equal number in exchange, and thus all our white soldiers would be liberated. When the exchange, man for man, had given us all our white soldiers in their prisons, there would still remain about fifteen or twenty thousand rebel prisoners in our hands, and only about five hundred negro soldiers in theirs.

RETALIATION PROPOSED, UNLESS THE REBELS TREATED THE NEGRO SOLDIERS AS PRISONERS OF WAR.

Arriving at that point, I proposed to say to the Confederates, we are willing to take these five hundred men and give you an equal number of your soldiers. If the rebels refused that offer, and still held our negro soldiers in bondage and at labor, I designed to say to them: "If you do not deliver me those men like other prisoners of war, and if you work those five hundred, I will work your fifteen thousand;" and as Napoleon built the canal of Languedoc with forty thousand Austrian prisoners of war, so will this Government build the ship canal we want to connect the Mississippi river with the Lakes, by the labor of the rebel prisoners in our hands.

EFFECT OF RETALIATION AT DUTCH GAP.

My word for it, if that stand had been taken, we should never have built much canal, because, when afterward the rebels set some of my negro soldiers at work on the fortifications, and I put an equal number of Virginia Reserves at work in Dutch Gap in retaliation, the negroes were instantly taken out of the trenches, and treated as prisoners of war.

I reported the points of agreement between myself and the

rebel agent to the Secretary of War, and asked for power to adjust the other questions of difference so as to have the question of enslaving negro soldiers stand alone, to be dealt with by itself, and that the whole power of the United States should be exerted to do justice to those who had fought the battles of the country, and been captured in its service.

ORDERS OF GENERAL GRANT ON EXCHANGE.

The whole subject was referred by the Secretary of War to the Lieutenant-General commanding, who telegraphed me on the fourteenth of April, 1864, in substance, "Break off all negotiations on the subject of exchange till further orders." And, therefore, all negotiations were broken off, save that a special exchange of sick and wounded on either side went on.

On the 20th of April, I received another telegram from General Grant, *ordering not another man to be given to the rebels*. To that I answered, on the same day, "Lieutenant-General Grant's instructions shall be implicitly obeyed. I assume that you do not mean to stop the special exchange of the sick and wounded now going on." To this I received a reply in substance, "Do not give the rebels a single able-bodied man."

EXCHANGE CORRESPONDENCE SO MANAGED AS TO PUT GOVERNMENT IN THE RIGHT UPON STOPPING EXCHANGES.

From that hour, so long as I remained in the Department, exchanges of prisoners stopped under that order, because I could not give the rebels any of their able-bodied soldiers in exchange. By sending the sick and wounded forward, however, some twelve thousand of our suffering soldiers were relieved, being upward of eight thousand more than we gave the rebels.

In August last, Mr. Ould, finding negotiations were broken off, and that no exchanges were made, wrote to General Hitchcock, the Commissioner at Washington, that the rebels

were ready to exchange, man for man, all the prisoners held by them, as I had proposed in December.

Under the instructions of the Lieutenant-General, I wrote to Mr. Ould a letter, which has been published, saying — “Do you mean all? Do you mean to give up all your action, and revoke all your laws about black men employed as soldiers?” These questions were therein argued, justly, as I think — not diplomatically, but obtrusively and demonstratively; not for the purpose of furthering exchange of prisoners, but for the purpose of preventing and stopping the exchange, and furnishing a ground on which we could fairly stand.

I am now at liberty to state these facts, because they appear in the correspondence on the subject of exchange, now on the public files of Congress, furnished by the War Department upon resolution.

RESPONSIBILITY OF EXCHANGES UPON GENERAL GRANT.

I am not at liberty to state my opinion as to the correctness and propriety of this course of action of the Lieutenant-General in relation to exchanges, because, as it is not proper to utter a word of condemnation of any act of my superiors, I may not even applaud where I think them right, lest, not applauding in other instances, such acts as I may mention would imply censure. I only desire that the responsibility of stopping exchanges of prisoners, be it wise or unwise, should rest upon the Lieutenant-General commanding, and not upon me. I have carried the weight of so grave a matter for nine months, and now propose, as the facts are laid before Congress and the country, not to carry any longer any more of it than belongs to me.

GENERAL BUTLER'S FAREWELL ADDRESS NOT A CRITICISM ON ANYBODY.

Since I wrote my farewell address to the Army of the James, I have received letters from the far West, saying, “Why

do you claim that you have not *uselessly sacrificed* the lives of your men, when you have left thousands of our brothers and sons to starve and rot in Southern prisons?" In answer to all such appeals, I am allowed only to repeat—"I have not uselessly sacrificed the lives of the soldiers of the Union; their blood does not stain my garments." This is not criticism upon the acts of anybody, but only the enunciation of a fact, in explanation of which the responsibilities of my position will not allow me to say more.

PLYMOUTH FALLS BECAUSE THE NAVY BOATS ARE DRIVEN OUT.

The next movement of consequence in the Department, was the attack upon Plymouth by the enemy. Plymouth was defended in a most gallant and able manner by General Wessels, who did all a brave man could to keep it. But the gunboats had been depended upon for holding the Roanoke River, and when they were driven out by the rebel ram *Albemarle*, Plymouth was no longer defensible. If the gallant and lamented *Flusser*, who commanded the naval force had not fallen in the first attack, their ram would not have controlled the river, and the result might not have happened.

WASHINGTON EVACUATED BY THE ORDER OF GENERAL GRANT.

Another considerable event was the evacuation of Washington, N. C., in April. This was done under the orders of the Lieutenant-General with entire deliberation, without attack, and every dollar's worth of Government property brought away, and the forces holding it taken as a part of the movable column of the Army of the James. I should hardly have mentioned this evacuation had it not been the subject of animadversion, and to show that whatever was done was done under explicit orders. Of the propriety of this evacuation, however strong an opinion I might have in its favor, I am not at liberty to speak, for the reasons I have before given you.

THE RAPID AND SUCCESSFUL MARCH ON BERMUDA HUNDRED.

On the first of April last, two large armies lay face to face, opposed to each other, on the Rapidan. A small army of about eighteen thousand men, six thousand of whom were negroes, lay in and around Fortress Monroe. Twenty thousand men more were ordered from the Department of the South to join that little army. Looking over the whole field, it seemed to me to be the part of wisdom to move that army upon Bermuda Hundred, establishing there a base for operations as strong and as easily defended as Fortress Monroe: a base not to be interfered with or lost while the war lasts, and where an army lies with its hand fastened upon the throat of the rebel capital. (Great cheering.) This proposition was submitted to General Grant, and approved by him. This was done. On the fourth day of May, the army of the James, thirty-five thousand strong, with its artillery, its cavalry, and its supplies for thirty days, was put on board ship, and seemed, at first, to threaten the enemy up the York river, within thirty miles of their capital; but within twenty-four hours, that army was within twelve miles of Richmond, where it has held its position ever since — a position to which it advanced without the shedding of a drop of blood.

On the same day, the Army of the Potomac, under the command of General Meade, more than a hundred thousand strong, started from the Rapidan, also toward Richmond.

PLAN OF SURROUNDING RICHMOND.

I need not repeat what you all know of the history of the march of that army; but I have a right to say, because now it has passed into history, that the intention with which that army set out upon its march was to move round the north side of Richmond, above Mechanicsville, strike the James River above the city of Richmond, and there forming a junction with the Army of the James, which was to move up toward

Richmond on the south side of the James River, get around the city on the south side, and thus cut it off.

Now, perhaps, you can understand what may have slightly puzzled you heretofore, why the army of the James was demonstrating towards Drury's Bluff, on the sixteenth of May, while the Army of the Potomac was coming down from the Rapidan on the north side toward Richmond. But the Army of the Potomac never reached its destination on the north side of the James; nor did the Army of the James succeed in reaching the James above Richmond on the south side. Indeed, there was no call for the Army of the James above Richmond, if the Army of the Potomac could not join it; but, if the Army of the James failed to accomplish all that it hoped for, at least it met with no disaster.

SEVENTEEN THOUSAND MEN SENT TO RELIEVE THE ARMY OF THE POTOMAC AT COAL HARBOR.

We held the lines that we took up, from the Appomattox to the James, and we hold them to this day — the advanced lines of all the armies operating against Richmond. (Renewed applause.) Beside doing this, after fortifying our position, the Army of the James sent seventeen thousand men to the aid of the Army of the Potomac, and saved the battle of Coal Harbor.

FIRST ASSAULT ON PETERSBURG FAILED BECAUSE GENERAL GILMORE DID NOT OBEY ORDERS.

Pass with me now to the next movement of the Army of the James, — the attempt to take Petersburg, on the 9th of June. Upon that occasion, the orders of its Commander were not obeyed; and the projected assault on Petersburg was not made. But you will observe, if there was failure, there was no disasters.

THE ARMY OF THE JAMES TAKE THE DEFENCES OF PETERSBURG WITH
A SKIRMISH LINE, AND NOBODY HAS GONE ANY FARTHER.

On the 15th of June, the column of the Army of the James having returned from the relief of the Army of the Potomac, another movement on Petersburg took place, which resulted in the capture of the outer, and, at that time, only line of defensive works around Petersburg, which works, held by the Army of the James, are the advanced lines of the armies operating upon Petersburg to this day. The strongest of these works was captured by a skirmish line of negro soldiers, and no troops have advanced a step beyond their position in that direction, after seven months of siege.

ASSAULT IN TWO COLUMNS MADE ON THE ENEMY'S WORKS ON THE
NORTH SIDE OF THE JAMES — BATTERY HARRISON CAPTURED.

On the 29th of September, the Army of the James crossed the river in two columns — one at Varina, the other at Deep Bottom. One attacked Battery Harrison, the skirmish line being gallantly led by a Lowell boy, Colonel Donahoe, who fell wounded. That column captured Battery Harrison, the strongest work of the rebels in their sixty miles of intrenchments around Richmond.

THE NEGROES GALLANTLY CARRY NEWMARKET HEIGHTS.

On the same day, crossing at Deep Bottom, the Tenth Corps, under the lamented Birney, advanced its negro division, three thousand strong, in column of division, with musket "right shoulder shift," with not a cap on a single cone of a gun, charged through a swamp, over a breastwork covered by double lines of abattis, like a flash, in the face of eight hundred rebels, who never stopped running for five miles. (Laughter and cheers.) The question as to whether the negro would fight was there settled before the eyes of every doubter in the army; and their masters, from that time forward, asked, not the question, "will the negroes fight?" but, "will they fight for us?"

THE ASSAULT BY THE NEGROES PROVE THEIR FIGHTING QUALITIES.

I have thus enumerated all the assaults that were ordered by the Commander of the Army of the James,—one against a strong but illy-defended work, Fort Harrison; and another against a very strong and well-defended work, the assault made by negroes, ordered for the high and noble purpose of demonstrating forever the capabilities of a race in arms resting under every prejudice. The Commander of the Army felt that for such a cause he could take the responsibility of risking the loss of the men by the assault, who lay there, as he rode past them, with their faces upturned to God, in mute appeal for his approval of the necessary sacrifice in so holy a cause. (Great cheering.)

HAS SHOWN THAT THE LIVES OF HIS SOLDIERS WERE NOT USELESSLY SACRIFICED.

And thus, my friends, I felt that I had a right to say, when I left the Army of the James: "I have refused to order the sacrifice of such soldiers uselessly;" and I think the declaration ought not to be taken as a criticism upon any one, but simply as a statement of the facts of my own manner of conducting operations.

GENERAL LEE IS REPULSED IN HIS ASSAULT—THE ARMY OF THE JAMES HOLDS THE MOST ADVANCED POSITION TO THIS DAY.

On the 1st of October, General Lee, concentrating his forces, made a very fierce and savage attack upon Battery Harrison, in which the whole of a North Carolina brigade was swept away (seven regiments being entirely cut to pieces), in a vain effort to retake what our forces had captured on the 29th of September. So that the Army of the James lies safely intrenched within six miles of Richmond, which again is the advanced position of all the forces operating against the Rebel Capital.

THE EXPEDITION TO WILMINGTON.

The next movement of the Army of the James (except that of the 27th of October, when it made a demonstration toward Richmond, for the purpose of holding the enemy in their trenches while the Army of the Potomac attempted to turn their left, at Hatcher's Run), was that which has caused some little discussion in the community of late,—the attempt upon Wilmington; to some of the leading points in regard to which I now wish to direct your careful attention.

THE NAVY DISCLOSE THE PURPOSE OF THE EXPEDITION.

As early as August last, a fleet, under Admiral Porter, commenced to assemble at Fortress Monroe. Immediately upon the appearance of the fleet in Hampton Roads, instead of any attempt being made to keep the expedition secret, there commenced a flourish of trumpets about it, which is only equalled by the cackling of a hen when she is about to set on a single egg (laughter), so that nearly every man in the country, North and South, knew where the fleet was going. You all knew—the rebels all knew—that it was fitting out to be sent to Wilmington; indeed, to such an extent was the publicity carried, that, although General Weitzel, with General Graham, of the Naval Brigade, had been sent to reconnoitre the vicinity of Fort Fisher, yet General Grant concluded that the enemy were so informed of the purposes of the expedition, that it was not best to send any men at that time, and did actually refuse to do so, leaving the fleet lying in Hampton Roads for months, claiming to be ready, and boasting what they would do to Wilmington.

EXPERIMENT OF THE POWDER-BOAT TO BE TRIED, AND THE FORT TO BE SURPRISED.

Afterwards, for the purpose of trying an experiment, and of allowing the question to be tested,—what would be the effect of the explosion of a large quantity of powder in the neighbor-

hood of a fortification,—to see whether it would have the destructive effect which it was claimed by some it would have, or whether it would result in comparative harmlessness—General Grant determined to send three thousand men in aid of the Navy; and, after learning that the enemy were detaching forces to meet Sherman, he increased the force to six thousand (one-half of which were negroes), hoping to surprise Fort Fisher, upon the supposition that General Bragg had carried off his forces to meet Sherman, and, therefore, the fort would be found undefended by any considerable force.

THE NAVY WILL NOT RUN BY FORTS — FARRAGUT WAS NOT THERE.

General Grant also hoped that a portion of the fleet would run by the fort into Cape Fear River, and then, by landing the troops, and intrenching across the Peninsula between the river and the sea, blockade running, at least, might be stopped.

It was said that there was not sufficient depth of water to go up the river; but as, since the fort has indeed been silenced, there seems to have been no considerable difficulty in getting most of the gunboats up the river, I am inclined to the opinion that it was another want—rather than the want of water—that prevented the gunboats from going up the river by the forts while they were in possession of the enemy,—*Farragut was not there!*

Although Admiral Porter telegraphed me, which telegraph I have, that he would be ready on the 8th day of December, and the troops were ready on that day, yet we waited for the fleet at Fortress Monroe until the 14th day of December, when we sailed from Chesapeake Bay, at four o'clock in the afternoon. We arrived at the place of rendezvous, appointed by Admiral Porter's printed order, on the night of the 15th; and there we waited three days, while the sun never shone more brightly in the heavens, while the sea was never calmer, while the wind was never more zephyr-like, until the 18th, but still Admiral Porter did not come, and the fort at that time was

substantially undefended, as its reinforcements did not arrive till the night of the 24th of December.

GENERAL BUTLER HAS NOTHING TO DO WITH THE PREPARATION OF
THE POWDER-BOAT.

Judge, then, of my surprise when I read in one dispatch, — first, that the army was not ready soon enough; in another, that we sailed too soon; and again, in another dispatch (for they seem to be fruitful of dispatches), that the “powder-boat was prepared by me, and that we waited for that.”

FELLOW-CITIZENS, — I have lived with you, man and boy, for thirty years, and I am going to live with you, if you will have me, for thirty years longer. (Great applause.) I have stood before you many times, and I hope to stand before you many times more, to advise you upon that which is for the good of the country; but, often as I have met you here, no man can say that I ever misrepresented a fact, and when I now tell you that I never saw that powder-boat, that all I had to do with it was to order my Ordnance Officer to turn over to the navy one hundred and fifty tons of powder, and that the whole thing was under the charge of the navy, and was arranged exactly as the navy desired, — when they wished and how they wished, — you can judge of the truth of the dispatch which states that I prepared the powder-boat.

GENERAL BUTLER DESIRED THE EXPERIMENT SHOULD BE TRIED —
PORTER FEARS IT WILL BLOW HIM UP TWENTY-FIVE MILES OFF.

Whoever states it, there is no truth in it. But the powder-boat, it is said, was a failure. Granted; as the powder in it never was wholly set on fire. It was intended that there should be then exploded more powder than ever was at once exploded before, — powder enough, in my judgment, to have done very great damage, — so much, in fact, that I have the written advice of Admiral Porter that I should stand out twenty-five miles, let off the steam, and draw the fire from the

boiler of my boat before it went off, lest the explosion should blow me up even there. (Laughter and applause.)

That suggestion, I say, I have in writing. Yet, Porter would intimate I had too much faith in the efficacy of the powder-boat, and that he had no belief in its effect. Certain, it is admitted, that he got his fleet so far away from the scene of the explosion; that, for that or some other reason, he could not get back again under *ten hours* thereafter, to fire the first shot at the fort after the powder-boat exploded. There was a very large quantity of powder; and I am still confident that, if it had gone off, it would have done great damage. It was intended to place it in bags, with fuses running all through it, so that it might be instantaneously exploded in every part; but how was it done? The clock-work, the candles, the fuses, every thing prepared to ignite it, failed; and the only way it was got off at all, was to set fire to the ship at the bow, and let it burn up to one end of the mass of powder, the explosion of which sent the other part into the water, without being burnt; so that, in my belief, not more than one-tenth of the powder on board ever did burn, making an explosion, indeed, which is described as hardly more than would have been felt from a fifteen-inch gun. You see, therefore, the experiment was not tried. Some day it may be.

PORTER BLOWS UP THE POWDER-BOAT WHEN BUTLER IS SIXTY-FIVE MILES OFF, AND TRIES TO STEAL A MARCH ON THE ARMY AND GET PRIZE-MONEY.

At all events, the explosion, such as it was, did not hurt me, because I was sixty-five miles off, in the harbor of Beaufort, coaling and watering my transports, after the storm; relying upon the promise of Admiral Porter, made to my officers, that he would give me notice, so that I could be present with the troops, when it should be determined to blow up the powder-ship, to land and attack the fort, under cover of the injury and demoralization caused by the explosion. Yet, the Admiral blew it up when he knew that I was sixty-five miles off,—out

of tender consideration for my safety, I suppose; for I know of no other reason why he should have failed to keep his promise, except, perhaps, believing that the powder-boat would blow up a steamboat twenty-five miles off, the Admiral supposed it would utterly demolish the fort and garrison, and he would only have to land his marines, and put on the works, David Porter, his X mark, and hand it over to the army, when they arrived, with a claim for prize-money. Let me say a word or two about the explosion. In the first place, the powder was expected to, at least, paralyze the men in the fortification; and it was intended that the army should, thereupon, immediately land and take possession of the works. Such being the plan, why explode the powder when the army was sixty-five miles off?

PORTER IS TIRED.

Again, the time for the explosion was to be so chosen that, if it paralyzed the men, or did any damage to the works, it might be promptly taken advantage of, by landing the army and an attack by the navy. Why, then, blow up the powder at one o'clock at night, yet fail to fire even the first gun from the navy until twelve o'clock the next day, thus giving the enemy eleven hours to get over being stunned, and to repair any damage that might have been caused by the explosion?

Well, a bombardment was opened upon Fort Fisher; and it seemed to be conducted with considerable skill, the fire being directed with a good deal of accuracy. This for one day. Arriving at night, I sent my Staff-Officer to Admiral Porter to say that I would consult with him about the attack to be made in the morning of the next day. The Admiral sent me word that he was tired, and could not see me that night, but that he would see me or my officers as early the next morning as we were ready. Intending to attack a fort, and having, as we thought, a day's work before us, we did as we generally do in Lowell, set about it at daylight. General Weitzel and Com-

stock went on board the "Malvern," at half past six o'clock, but the Admiral was not up.

A STORM COMES UP TO PREVENT FURTHER LANDING.

They arranged, however, that we should attack at eight o'clock, but it was twelve o'clock before the navy reported that they had covered the shore so that we could make a landing. I landed twenty-two hundred men. It was a beautiful, smooth sea when we landed; but a storm was coming on, and within eight hours after we began landing, the surf rolled so high upon that beach that no man could get on or off. Not a gun had been landed, save boat howitzers. I sent the ablest engineer officer that I know, General Weitzel, accompanied by Lieutenant-Colonel Comstock, engineer of the staff of General Grant, who had been detailed by the Lieutenant-General himself to go *with me* upon this expedition, and who did go.

GENERAL WEITZEL AND COLONEL COMSTOCK, ENGINEERS ON GENERAL GRANT'S STAFF, OPPOSE AN ASSAULT.

I sent those two officers on shore, and they both reported to me that the face of the fort was uninjured, and that, in their judgment, it was useless to assault. Judge, then, whether I was derelict in my duty to my soldiers and to the country, and whether I ought to be hounded down, and a price almost set upon my head, like a wolf, because I did not order an assault which two of the best engineer officers in the United States advised me not to make, and in reference to which one of them said to me (I use his very expression), "If you order it, General, it will be murder."

SUCH AN ASSAULT WOULD HAVE BEEN MURDER.

Suppose I had made that assault, after those well-instructed officers had advised me against it, and it had failed, ought not I to have been tried for murder? And I should have been guilty of that crime in the sight of my God, and in the eyes of

every honest man. Every one would have had a right to join in the cry in that case, "Ah! he was a volunteer General; he would not take the good advice offered him by well-instructed army officers. Rash fool! see the result!"

You, sir, who had lost a brother; you, madam, who had lost a son, in such an assault, — could I have looked you in the face if I had ordered it?

GENERAL BUTLER WENT TO WILMINGTON UNDER ORDERS.

Again, it has been said that I was not to go with the Expedition; that it was to be commanded by General Weitzel. Upon that question I might shelter myself under the fact, that the Department under my command was the Department of Virginia and *North Carolina*, and that the operations were within my Department, and so I had a right to go. But I scorn all subterfuge or indirection. I accompanied the expedition with the full knowledge and consent of General Grant, verbally given. Nay, more: if you will examine his order for the Expedition, to me, you will see that he says: — "*The execution of the details of this order is intrusted to you, and the subordinate officers under your command,*" — not to General Weitzel alone.

GENERAL GRANT HAS NEVER SAID TO GENERAL BUTLER HE WAS NOT TO COMMAND THE EXPEDITION.

Still farther: As I have said, Lieutenant-Colonel Comstock, engineer of General Grant's staff, was, by myself, in person, detailed *to go with me* upon that expedition, and left General Grant's Headquarters, to go with me down the river, in the same boat when I started on the Expedition. Again: I lay at Fortress Monroe from the 9th of December till the 14th, receiving frequent telegrams from General Grant, which have been published, while my answers have been suppressed. If you will read those telegrams, you will see that each and every one of them says, when will *you* get off; when will "*your*

Expedition" sail; and, though I have had frequent conversations with General Grant upon this, for me, unhappy Expedition, yet never, by letter, dispatch, or by word, has General Grant intimated to me that he did not expect me to accompany the expedition, or chide me for going with it; and, last of all, on the 20th day of December, while I lay in Beaufort Harbor, as commander of the expedition, I sent a report of progress to General Grant, which he forwarded to Washington, without a word of dissent that I was not the duly authorized commander of the Expedition.

GENERAL BUTLER DID WHAT GENERAL WEITZEL ADVISED, WHO IS NOT BLAMED.

The first intimation, from any quarter, that I ever had that I was not properly there, was, when I read in the *New York Herald* an endorsement upon my official report—which endorsement is in the handwriting of a staff officer of General Grant, and was not filed in the War Office till six days after General Grant's letter went to the President, asking for my relief upon other grounds than any action of mine in regard to the Wilmington Expedition, but which reasons I am not permitted to state to you—and five days after my farewell order to the Army of the James, the context of which may have been misunderstood and possibly given offence.

Besides, what was done there was exactly what General Weitzel advised. Why was it worse for me to do what General Weitzel advised, and thought right to be done, than it would have been for him to do the same thing himself if he had been there alone? Answer me this, and I will take the blame.

Now, let us see what it is to assault a fort; let us see what the Commanding General or Admiral has to do in such a case. At Fort Fisher the Admiral was on board his vessel; I was on mine quite as near the fort as he was, and that was not at all too near for either of us. (Laughter.)

BUTLER HAD EVERY MOTIVE TO MAKE THE ASSAULT BUT ONE.

Upon such an occasion the only duty of the commanding officer, standing at a safe distance, with his glass in his hand, is to pass his eye over the whole field, and, when he thinks the time has come, to say to his men: Forward! make the assault! Now, certainly it does not require much personal courage in a man to give such an order; but it does require some little courage to follow the dictates of one's own judgment and save the lives of his men, when that judgment tells him that to order an assault would be to sacrifice them. This is indeed trial; this is temptation. At Fort Fisher I did my duty; and, as God lives and I live, if it had all to be repeated, with all the knowledge I now have, even with the stream of obloquy pouring upon my head, as it has poured ever since, I would do so again, if He would give me strength in answer to my prayer, "Lead me not into temptation," to act according to the dictates of my conscience and judgment; for there was every temptation to make the assault at Fort Fisher, and thus take the chance to win honor and glory at the sacrifice of my men, and none to forbear to make it and come away. (Great cheering.)

INTRENCHING ON THE BEACH WOULD HAVE BEEN WORSE THAN
USELESS.

But some gentleman may say: Why, having determined not to make the assault, did you not stay there and intrench? For three reasons. Let us examine them in a few minutes. But, first, bear in mind that I have not gone into the newspapers in explanation of this subject—I have not been Porter or reporter of it again and again. (Laughter.) No; I have come home to my neighbors, whose hands I have to take in friendship, with whom I must live, whose children are to grow up with mine, and here I make the explanations that I have to make to them, caring not a rappee what is thought about the matter elsewhere. I have encountered worse storms than this

before, and have lived through them, and I shall live through this also. ("Good," "Good," and cheers.)

Now, then, why did I not stay upon the beach? In the first place, I had made only a partial landing of one-third of my men, and none of my artillery. The sea rose so high that no more men or guns could be landed; and you will see that the rebel General Whiting, in his Report, states that a great storm came up that night which injured his garrison very much, the garrison having been under arms all night to meet our approach.

THE NAVY HAVING EXPENDED ALMOST THEIR LAST SHOT AND SHELL,
WERE USELESS FOR EIGHTEEN DAYS.

I put on shore 2,200 men, and eight hours afterward the storm was so severe that I could not get a gun, or even a box of bread, on shore, except by heading the latter up tight in a cask and sending it ashore on a raft. Again, if you will look in one of Admiral Porter's last Reports you will see that he says, "having expended in the bombardment almost the last shot and shell which I had with me, I found it necessary to go back to Beaufort to get a new supply." I should have looked very well, would I not, planting myself on that beach with a handful of men, with a body of the enemy behind me — Hoke's division from Richmond, larger than my whole army — my only support being a navy without ammunition, as useless and idle "as a painted ship upon a painted ocean." It took Admiral Porter until the 14th of January, eighteen days, to get back from Beaufort with his new supply of ammunition; and if my troops had staid there and waited for him, what do you suppose would have happened to us during the time that he was away?

But again, if nothing was to be gained by it, what was the use of staying there at all and hazarding my men? I had no siege train, and yet the Lieutenant-General agrees that my preparations and instructions were all correct. I could not besiege the fort; I had only twelve light guns, and I had

seventeen heavy guns bearing down upon me from the fort; therefore I could not besiege.

ARMY COULD NOT STOP BLOCKADE RUNNING — A LANDING COULD ALWAYS BE EFFECTED WITHOUT THE LOSS OF A MAN.

What, then, could I do? Perhaps you will say, that I might have stayed there and tried to stop up the river by opening my guns upon the blockade runners, as they passed up and down the river, and I know it seems so from the map; but there was a mile and a half of marsh between my guns and the river; and notwithstanding all that I could have done, the enemy could have reinforced and provisioned Fort Fisher at pleasure and landed men on all sides of me, and the blockade runners could have passed backward and forward almost as freely as the rebel rams passed up and down the James River the other day, in spite of the navy. (Laughter.) What else could I have done? Ought I to have stayed there and maintained a landing, so that troops could be landed again? The fact is, I saw that at any time, when there was a smooth sea, a landing could easily be effected under cover of the guns of the navy, and you remember that General Terry landed his troops without the loss of a man. What, then, was the use of my staying there? There was none. But, besides, Hoke's division was there (I captured sixty-five of them), and if I had staid there I would have been exposed to the overwhelming attack, and lost my men without benefit to the service. Besides, by staying there I only kept the enemy there; by going away, the enemy went away, supposing the attack to be abandoned, and thus we found no sufficient force to oppose General Terry.

FORT FISHER HAD NOTHING TO DO WITH GENERAL BUTLER'S RELIEF FROM HIS COMMAND.

And now, fellow-citizens, let me state, speaking with the full knowledge that what I say is to be spread broadcast over the country, that I am here to-day on the written letter of the

Lieutenant-General to the President for my relief, in which letter no word is said of Fort Fisher; nor is there anything alleged against me in relation to the Wilmington Expedition, as the reason for my being here now, instead of under the leaky roof of my log cabin, about seven miles from Richmond, where I have spent most of the winter up to this time. I repeat it, no word is said of Fort Fisher, no word is said of Wilmington, no blame on account of Wilmington is laid upon me in that letter, asking for my relief. Why I am here I cannot tell you now, because I am not permitted to give the reasons until it shall please the War Department to let them be published. I have applied to have those reasons published, but the application has not yet been granted; and in the meantime, as I am not Porter, I shall not sound my own trumpet, at least against orders. (Laughter and applause.)

HE CLAIMS TO BE THE HERO OF BETHEL AND FISHER, BUT NOT THE HERO OF THE DISASTERS OF BULL RUN, SEVEN PINES, CHICKAHOMINY, FREDERICKSBURG, CHANCELLORSVILLE, THE WILDERNESS, AND COAL HARBOR.

I repeat, then, I claim the credit, I claim the *glory*, of not having assaulted Fort Fisher. I understand that there are those who were among my old friends in politics, but who, unfortunately, have lately got upon the other side, who sneer at me as the "Hero of Big Bethel and Fort Fisher." I accept the title. They do me honor overmuch. What was Big Bethel? It was a skirmish in which twenty-five men were killed and wounded. But Big Bethel was not Bull Run; Big Bethel was not Fair Oaks; Big Bethel was not Seven Pines; Big Bethel was not the Chickahominy. Big Bethel was a failure, but it was no disaster. No West Point General commanded there. I claim credit for this, that when we of the volunteer army of the United States make failures we do not make disasters. Stop a moment, and compare the battles I have named with Big Bethel. Why, at these there were more men slaughtered and homes made desolate than there were

leaves on the trees in the forest around Big Bethel — not to be numbered.

But I am the hero of Fort Fisher, too. Well, Fort Fisher was not Fredericksburg; Fort Fisher was not Chancellorsville; Fort Fisher was not the Wilderness; Fort Fisher was not Coal Harbor.

NO VOLUNTEER GENERAL COMMANDED AT PETERSBURG.

A volunteer General commanded at Fort Fisher at each attack; one was without result, but no disaster: the last was a success; all honor to General Terry and his brave volunteer soldiers.

Again: it is charged upon us that we did not make so big a hole in the Dutch Gap Canal as we ought to have made. It may be that we did not — although Dutch Gap Canal was a success — make so large a hole there as was made by the explosion of the mine at Petersburg, last summer; but, thank God, neither did we fill uselessly that hole up with American dead, until it ran blood. (Renewed applause.)

DISASTERS ARE RESERVED TO WEST POINT GENERALS AND THE ARMY OF THE POTOMAC.

I am, therefore, content; nay, I claim to be the hero of the comparatively bloodless attacks on Big Bethel, and the wholly bloodless failure of Fort Fisher; and I do not claim to be the hero of Fredericksburg, of Chancellorsville, of the Chickahominy, of Fair Oaks, of the Wilderness, of Coal Harbor, nor of that charnel-house of useless dead in the mine before Petersburg. I am prepared to take the issue; and, hereafter, fellow-citizens, when you bear me to that little enclosure, on the other side of the river, which I hope for as my last resting-place, I pray you put over me for my epitaph: — Here lies the General who saved the lives of his soldiers at Big Bethel and Fort Fisher, and who never commanded the Army of the Potomac. I ask for nothing else. (Great applause.)

A LITTLE FROTH IS BLOWN AWAY.

My connection being severed with the Army of the James, the telegraph informs us that it is to be incorporated with the Army of the Potomac; and its history, as a distinct organization, has ceased, probably forever. Of the wisdom of that incorporation, I will express no opinion. And, mark, I have criticised the act of no man—I beg your pardon—I have criticised no *army* man; I have defended myself, explained my own acts, and contrasted them with others; they may be right while I was wrong, although I have thought fit, in the course of my remarks, to blow off, with a breath, the froth which is always the accompaniment of lively porter. (Laughter and applause.)

OUR DUTY IS TO PROSECUTE THE WAR VIGOROUSLY.

And, now, passing from that which is personal to my own actions, you would, perhaps, desire that I should say something upon the prospects of the country in the future. Mark me, my friends, whatever happens to me will only incite me to renewed efforts in behalf of the country. If she wants my services, at any and at all times, in any capacity, however humble, they shall be as freely rendered in the future as in the past. And whatever mistakes I may have made, whatever mistakes other Generals have made, whatever mistakes the Administration has made, it is not for us to remember these, or allow them, for a moment, to affect our action; it is the country we serve, it is the Union to which our allegiance is due; and, however men in power to-day may make mistakes, it is no reason why we should hold back a single effort in support of the war.

THERE IS NO HOPE OF PEACE TILL THE REBEL ARMY IS BROKEN.

If all men had been perfect, this Rebellion had not existed. It was the imperfection of men that brought it upon us, and through imperfect men it must be brought to an end. Therefore, let every man gird himself for still greater efforts. Do

not be carried away by any delusive cry of Peace! Peace! for the time of peace is not yet come. All attempts to get peace by negotiation, until the army of General Lee either capitulates or is whipped, is as useless as to attempt to break down the stubborn spirit of the child who successfully resists your authority. Therefore, this cry of "Peace" should lull no man into security.

WITH GOOD SOLDIERS, OUR SUCCESS NOT DOUBTFUL.

See to it, that the armies are filled up; see to it, that recruiting goes on — of good men, too — men who will stay in the army after they get there — such men as you send from Lowell — good men, true men.

I see no desire for peace, on the part of the rebels, in the appointing of General Lee Generalissimo; nor in the recent raid by the rebel iron-clads down the James River upon the communications of General Grant. These are not peaceful movements; they mean war, and bitter war, for another, and, I trust, a last campaign. But, though I speak thus of the cry of peace, I have no doubt of our ultimate success.

THE REBELS WILL ARM THEIR SLAVES — NO PEACE SAVE ONE JUST TO WHITE AND BLACK.

Neither have I any doubt that the rebel masters will arm their slaves. Let me tell you, the negro makes a very excellent soldier. There is little doubt, on the other hand, that the negro soldier of the rebels will not fight the negro soldier on our side; and we have the advantage of being first in the field. Even discipline will not bring him to this; although it may bring him to fight the white soldiers of our side. This movement will be the last, the final, blow struck by the Rebellion, and, in my judgment, that blow will be unsuccessful; and from this we shall have a lasting peace, provided we deal justly by all men, white and black. (Loud applause.) And, upon no other terms, my friends, can you have peace. Fair play, jus-

tice, equality before the law, for black and white ; a peace on that basis will stand ; without that basis, it will never stand.

PRESIDENT LINCOLN PATRIOTIC AND ABLE.

Therefore, my friends, I say again, not looking to peace, but to the ultimate result of the next campaign, gird on your armor, do everything you can to sustain the Government, and to sustain the President, as the head of the Government. He is honest, patriotic, capable, and able, and will do all he can in his position for the country (loud and long continued applause); and if his officers execute as well as he conceives, we shall have no difficulty.

BOUNTY SYSTEM RUINOUS.

Now, then, one thing further : I would oppose, in every way, so far as my voice and vote would go, the present method of filling up our armies, by offering very large bounties. These bounties do not get the best men. This is a universal rule. The expenditure for these bounties is putting a load of taxation upon every laboring man, that he will feel deeply and strongly hereafter, and his children's children after him.

BY BOUNTIES NOT THE CONSTITUTIONAL WAY TO RAISE MEN.

We have swung away from the Constitution and the laws as established by the fathers in raising our armies. The Constitution provides that every man between the ages of eighteen and forty-five shall be enrolled, and that as many as are necessary shall be drafted for the defence of the country, precisely as the law drafts as many as are necessary to serve on juries, and for other purposes of government; and when we swing away from that, we give up the doctrines of the fathers: we are beginning now to reap the fruits of this policy in the piling up of debts, which will greatly embarrass us hereafter. Therefore, let us look to it that, in filling up our armies, we get away from this system of bounties.

THREE THOUSAND MEN FROM THE ARMY HOLDS NEW YORK QUIET.

Therefore, my friends, it was, that on another occasion, and in connection with another bloodless expedition of the Army of the James, to which I did not call your attention, I had the honor to make a proposition to the country. Three thousand men of the Army of the James went to New York, about the first of November last, where they said to the mob of that city, "Peace, be still!" and everything was as quiet there in the heat of an excited election as it is here and now in this peaceful meeting. (Applause.)

THE PROPOSITION OF AMNESTY A WISE ONE.

Then and there, fellow-citizens, I had the honor to say that I would offer to the rebels full and free pardon and amnesty for the past, if they would lay down their arms and submit to the laws. Even that proposition was misunderstood. I proposed to give them a full and free pardon, if they would submit to the laws. Why? Because, whatever the result of the war may be, you will never catch the leaders of the Rebellion, and the country will never come to the point of punishing those who are not leaders; and therefore you may as well make a virtue of necessity. But, it has been said, you put in your proposition nothing looking to the emancipation of the negro.

SLAVERY IS DEAD.

But when I said, "submit to the laws," I believed *slavery dead*, and assumed, as a lawyer, and believed then, as I believe now, that the Proclamation of President Lincoln, in the circumstances under which it was issued, declaring the negro free, is the law of the land; and those who doubted and cavilled upon that point, were men who were not as strong of faith as I, and who, therefore, did not understand it.

I said, further, if these men do not submit to the laws, and come back to take their places under the Government, in a given time, they forfeit all rights.

LANDS OF REBELS SHOULD BE GIVEN TO OUR SOLDIERS.

If they would submit, all necessity of raising any more men, by draft or by bounty, and burdening the people with heavy taxes and debt, was obviated. If they would not submit, my proposition was—instead of taxing ourselves any more to give bounties for men to take and then run away with—to say to the South, “These lands of yours shall be the bounties of our soldiers, when they shall have earned them, to be enjoyed by them as an inheritance to them and their heirs forever.” Such a proposition would save us from future trouble. It would give a loyalty to the South, which would rebel no more forever

HE WOULD SAVE THE NORTH FROM BURDENSOME TAXATION.

Those who object to confiscating the property of the rebels for the benefit of loyal soldiers, wish to see the war go on, and have no desire for a sterling and lasting peace. But give the rebel land and property to the loyal soldier, whether white, black, or gray, as a reward for taking it from those who have made it a curse to the nation, instead of the blessing which God intended it to be, and you will be crowded with soldiers to end the war at once. Thus, my friends, I may be radical, I may be in advance on this question, but again I repeat it, that every man may ponder upon it,—Let us, instead of giving bounties which makes every man we send to the army cost a thousand dollars, and every regiment cost a million, besides their arms and equipments, let us take that which we are fighting for, and the property and lands of the South the bounties of our soldier, instead of paying them ourselves.

THE WAR WILL END IN A YEAR, AND PROSPERITY BE RESTORED TO LOWELL AND THE COUNTRY.

Mr. Mayor, I have, perhaps, too discursively and too much at length, and in rather a different manner from the accustomed course taken on such occasions towards those who have the kindness to honor me, gone over past events in which I have

been engaged during my absence. I was ordered to report at Lowell; and I know no better way to report to you than face to face, as I have done. More than that, sir; coming out with my fellow-citizens to do me honor, I felt that you had a right to know whether your welcome home to your neighbor was well bestowed. I knew you would look with kindly pity on my errors of judgment. I knew that you would pass over anything wrong coming from the head alone; and I knew the greeting I should get if you knew the heart was right; therefore I determined that you should know exactly the manner in which I had attempted to do my duty, and I came back to you as you knew the man that went away from you.

I hope that the bravery of the gallant Terry, whom I regard as my brother, and in whose success I rejoice as in that of a brother, will take Wilmington, and help to bring you the speedy return of your former industry and prosperity. I think we may say with safety, that we shall be able, in another year, to resume the cotton manufactories of the city under as favorable auspices as before.

LOWELL ALWAYS FIRST IN THE FIELD.

While I am with you, here at home, or abroad, never has the interest and welfare of our city been other than the subject of my thoughts; so much so, I believe, that it has come to be somewhat a reproach to me that I gather round me all Lowell men whenever I can, and wherever I may be. It is quite true. I know them thoroughly; I know their good qualities; I know their capabilities; and I am willing always that our work shall be examined. From the 19th of April, when the Lowell Regiment went through Baltimore and came back into Baltimore—bringing peace to that city and freedom to Maryland—to the time a Lowell Regiment went to New Orleans—to the time they returned, under their gallant Colonel,—I know how they wrought and fought. The work of

the men of Lowell will bear examination abroad, as it will at home.

Mr. Mayor, returning to you, whom I have been proud to call my friend for almost a quarter of a century,—and to you, my friends and neighbors, coming here to greet my arrival home,—let me say, in conclusion, be pleased to accept my most heartfelt thanks for your kindness, and allow me to bid you a kind, cordial, thankful good night.

APPENDIX.

BUTLER'S AND TERRY'S ATTACKS COMPARED.

[From the Special Correspondent of the New York Tribune.]

WASHINGTON, January 19, 1865.

The success of General Terry's attack upon Fort Fisher, following so quickly upon General Butler's withdrawal from before that work, may have hurried the just judgments of some men away from a comparison of the different conditions of the two attempts. They are as different as the results are different.

I. General Butler started on his enterprise with 6,500 troops, and six pieces of field artillery, the heaviest being 12-pounders.

General Terry started with between 12,000 and 15,000 troops, from the Army of the James, from the Nineteenth Corps, and from Lew. Wallace's force. He was to have the help of a column of two thousand sailors and marines. He had also a siege train.

II. Butler landed with only two thousand two hundred men (2,200), and became immediately engaged with a force of the enemy, posted in his rear, up the Peninsula. It is now admitted that this rebel force was as strong as Butler's entire command.

Terry landed eight thousand men in such complete security,

that, as the *Baltimore American* says, "they were overjoyed to again get from shipboard, and the bands were soon playing, and the men running about and rolling in the warm sand, like school-children enjoying a holiday. Not a sign of an enemy could be seen in any direction."

III. Within eight hours after Butler began to land, the sea was so rough that he could not re-embark the troops he had got ashore, nor send more to their support. He could not get ashore a single piece of his artillery, nor tents, nor provisions.

General Terry landed in a calm. The *Baltimore American* says: —

"The transports were enabled to go within about half a mile of the shore, and they were soon surrounded by not less than two hundred boats. The several tugs in attendance joined in the work, carrying the soldiers to within a hundred yards of the beach, and then transferring them to the small boats. Tents and camp-equipage were also landed, with several days' provisions for the entire force, eight thousand strong."

IV. Butler had to go to fighting as soon as he got ashore.

Terry landed quietly on Friday; had all Saturday to establish a line of breastworks, with four thousand men in it, to prevent the approach of rebel reinforcements from Wilmington; and had till half-past three o'clock on Sunday afternoon to get ready to assault the fort.

V. The fleet co-operated with Terry, and enabled him to throw this line of defense across the Peninsula, to protect an assault he was going to make with just five times as many men as Butler had to assault with. The *Baltimore American* records: —

"An order was received from the Admiral, to proceed in shore to cover the encampments of the troops from any assault by Bragg, from Wilmington. Should he come, Captain Glisson will, with one hundred and twenty-three guns at his command, give him a warm reception."

Butler had but one thousand two hundred men to assault with, having left one thousand as a thin line of defence against an attack in his rear.

VI. The fire of the fleet in the first Expedition had done the fort no injury whatever, and had disabled but two of its seventy-two guns.

In the second Expedition, as Secretary Stanton says:—

“The sea-front of the fort had been greatly damaged and broken by a continuous and terrible fire of the fleet for three days.”

Admiral Porter also says:—

“It was soon apparent that the iron vessels had the best of it; traverses began to disappear, and the southern angle of Fort Fisher began to look very dilapidated. The guns were silenced, one after another, and only one heavy gun in the southern angle kept up its fire.”

* * * “By sunset, the fort was reduced to a pulp—every gun was silenced, by being injured or covered up with the earth, so that they could not work.”

VII. In Butler’s attack on Fort Fisher, the fire of the fleet did not injure or weaken the land face of the fort.

In Terry’s attack, the fire of the fleet dismounted and injured all of the guns on the land side, where Terry was to attack, and all of the guns on the sea side.

VIII. Notwithstanding the injury which the fort had received on both sides, and the silencing of all its guns on both sides, Porter’s two thousand sailors and marines, who assaulted on the sea side, were driven right back, and the three brigades that attacked on the land side were unable to enter the fort, after two hours of determined fighting, with all the help the fleet could give them. Of this help, Secretary Stanton says:—

“By a skillfully directed fire thrown into the traverses, one after another, as they were occupied by the enemy, Admiral Porter con-

tributed to the success of the assaulting column. By signals between himself and General Terry, at brief intervals, this fire was so well managed as to damage the enemy without injury to our own troops."

IX. Butler, with only two thousand two hundred men ashore, wisely and dutifully declined to assault Fort Fisher, uninjured by the fire of the fleet.

Injured, and its fire silenced, Terry could not take it with six thousand men (troops, sailors, and marines), after two hours' fighting. He had to put in Abbot's Brigade, of three thousand fresh men, to finish the job; and it took from five o'clock till ten for the combined nine thousand to do it. Secretary Stanton says:—

"The works were so constructed that every traverse afforded the enemy a new defensive position, from whence they had to be driven. They were seven in number, and the fight was carried on, from traverse to traverse, for seven hours."

X. Porter's assaulting column of sailors and marines was much larger than the whole column that General Butler sent to the assault. It attacked, as Secretary Stanton says, "the least difficult side" of the fort; yet, it was, as Secretary Stanton says, "after a short conflict, checked, and driven back in disorder." And, yet, they were perfectly brave men. So were the three thousand heroes of Curtis's, Pennypacker's, and Bell's Brigades, who could not, unaided, get in on the other side; although, as Secretary Stanton says, the sailors and marines "performed the very useful part of diverting the attention of the enemy, and weakening the resistance to their attack." And so were Butler's men brave, and so were their leaders; but the bravest men can't do impossible things; and it was a totally impossible thing for Butler's twelve hundred men to take that fort.

XI. Had it not been for the co-operation of the fleet, in its

fire, it is reasonably certain that the assault by Terry would have disastrously failed. Secretary Stanton has, in these few words, described the amazing strength of the fort: — “Work unsurpassed, if ever equalled, in strength, and which General Beauregard, a few days before, pronounced impregnable.”

The *Baltimore American* pictures it thus:—

“Fort Fisher is the largest and most formidable earthwork of the war. It embraces not less than fifteen acres of land, and its erection has been a work of great labor, its height being not less than thirty feet. Your readers may form some idea of its dimensions when I assure you that it is, at least, six times the size of Fort Federal Hill, while it has a dozen or more smaller batteries extending along the coast south of it to the Mound, a distance of nearly a mile. This Mound, which has two casemates in it, with heavy guns, is said to be fifty feet high. Instead of being an earthwork with embrasures, the fort consists of a series of mound-like bomb-proofs, seventeen of which half face the sea approach to the work, between each of which a gun is mounted. It is so situated that these guns command not only the sea, but can be used as well to resist a land approach along the beach. Each of these hillocks, which are about thirty feet high, is a bomb-proof, into which the men who work the guns can escape at will.”

XII. If the disposition to co-operate with Butler had existed in the fleet, it could not have persistently co-operated with his assault, if he had persistently made one; for when Butler was about to move to the attack, Captain Breeze, of the navy, Admiral Porter's Chief of Staff, informed General Weitzel and Colonel Comstock that the fleet had but one hour's supply of ammunition left!

XIII. Bearing in mind the formidable strength of the fort — bearing in mind that Terry's attack had the benefit of all the experience derived from the failure of Butler — bearing in mind the want of co-operation between the fleet and Butler's army — bearing in mind the immense difference in the numbers used in the different assaults — especially bearing in mind that

the fire of the fleet swept the way clean for the advance of Terry's soldiers from traverse to traverse — there is not a candid man in America who will not say that General Butler's withdrawal from his assault on Fort Fisher was an act of soldierly duty; as honorable to him as, under different circumstances, was General Terry's persistence in the second assault an act of soldierly duty, honorable to him, — and honorable to the brave men he commanded.

SPEECH OF HON. GEORGE S. BOUTWELL,

IN DEFENCE OF

MAJOR-GENERAL BENJ. F. BUTLER,

In the House of Representatives, Jan. 24, 1865.

It is my fortune, Mr. Speaker, and not ill-fortune, that I represent the District of Massachusetts in which General Butler resides. When the gentleman from New York [Mr. Brooks], on a day, now some time since passed, charged upon General Butler the crime of being a "gold robber," I paid no heed to it. I had seen, from the commencement of this war, that secessionists, and men whose sympathies are with the purposes of the secessionists, had not hesitated, whenever and wherever they could obtain the ear of the public, to arraign whomsoever they might, upon whom, in any degree, in their estimation, rested the crime of being patriots. I remembered that General Butler had been the first man to expound to this country and to the world the true doctrine as to the rights of the negro race on this continent, and to expose to mankind the course necessary to be pursued in order that this Rebellion might be crushed. I regarded the observation of the gentleman from New York as an observation made in harmony with those continued and oft-repeated declarations made by secessionists in the South, and secessionists and their sympathizers in the North. I did not properly appreciate the circumstance that he spoke from this floor; that he was here shielded by the Constitution; that he had, in a certain sense,

the ear of the American public, and, perhaps, of the world; and that what he uttered went upon the records of this House, and became a part of the history of the country.

General Butler, being the subject of that observation, took a different view entirely of the matter; and when the remark was brought to his notice, he addressed a letter to the gentleman from New York. That letter has been read before this House, and its contents are known to the country generally. If it had been what the gentleman from New York assumed upon this floor that it was, a challenge to him to mortal combat, if he had not been overwhelmed by his fears he would have rejoiced that that day for which he longed, the day for the reconstruction of this Union as it was, had approached, in that the assassination was attempted, in one part of this city, of a member, for words spoken in debate, and that there was a challenge to another—reviving recollections which must have been grateful to him of those days when the Union did exist “as it was,” and there was no freedom of speech upon this floor, or upon the floor of the other House of Congress. But his fears overcame entirely the tendency which he otherwise would have had to rejoice in the restoration of the palmy days when assassination and duelling were tolerated in the capital of the country. But those days are passed; and now, that there are no longer plantation masters here, or to be represented here, I trust that plantation manners also will depart from us.

It was the last of the designs of General Butler to challenge the gentleman from New York to mortal combat. The letter to the gentleman was dated on the 20th day of January. On that same day, General Butler addressed a letter to the Speaker of this House, which was not sent. I have examined General Butler’s letter-book, and I find that the letter to the Speaker anticipates, in order, the letter addressed to the gentleman from New York; and if there were no other evidence, it would sufficiently explain the purpose which General Butler had in

view. I send that letter to the Clerk, and ask that it be read to the House.

The Clerk read, as follows : —

WASHINGTON, January 20, 1865.

SIR, — I take leave, most respectfully, to request you to lay before the House of Representatives this note, in order to avail myself of the only means of redress known to me without breach of the privileges of the honorable House.

Mr. James Brooks, a member of the House, on the 6th of January, is reported to have used, in debate, the following language : —

“I am bound to say, that an effort was made by the Federal Government, during the pendency of the late Presidential election, to control the city of New York, by sending there a bold robber, in the person of a Major-General of the United States. Robber as he was of the public Treasury, and Major-General of the United States as he was, he dared not exercise the power given to him, to attempt to control the actions of those whom the gentleman calls thieves and robbers in my own city.”

* * * * *

The correctness of the report of which, I have taken measures to ascertain.

Here, then, is a charge made, upon the responsibility of the position Mr. Brooks occupies, of very high crimes and misdemeanors, alleged to be committed by an officer of the United States, which, if he is guilty, ought to be visited by the most condign punishment.

If the charge is calumnious and false, then it is due to the national honor that it should be unstained by the imputation of the employment of such a person in its service in high official position; and it would seem also due to the dignity of the House that a public slanderer should be rebuked.

The Constitution and the Laws of the United States, and Parliamentary usage, give to the officer thus charged no means

of redress through the ordinary Courts of Law, or any other mode known among honorable men; therefore, appealing to the sense of justice of the honorable House, I respectfully ask that an investigation may be ordered on the charges so preferred against me by a member of the House, through a Committee of its members, with the most ample powers of inquiry.

Further: In order not to embarrass the investigation by confining it to the single charge made, I desire to have put in issue every official act of my public life which can, in any way, be supposed to affect my official integrity or personal honor, and that my accuser have leave to make good his accusation before the Committee of the House, so that if the accused be found guilty, proper prosecution may be ordered in the Courts for his punishment; or, if the accusation be found false and calumnious, the honorable House may be in position to vindicate its own honor and dignity by the due punishment of a public calumniator and slanderer.

I have the honor to be,

Very respectfully,

BENJAMIN F. BUTLER.

HON. SPEAKER HOUSE OF REPRESENTATIVES, Congress of the United States.

Mr. BOUTWELL. That is a copy, from General Butler's letter-book, of a letter which he intended to address to the Speaker of this House whenever the gentleman from New York should have replied to the letter sent to him on the 20th of this month. Lest there should be any misunderstanding, I will say this in regard to these letters: Up to yesterday, after the adjournment of the House, I had never conversed with General Butler, or with any friend of his, in reference to any official act of his life. As the gentleman from New York was about closing his remarks, I went over to the seat of the honorable member from Pennsylvania [Mr. Stevens], and said to him, that I desired that the House should adjourn before this

debate closed, and that, to-morrow, I would probably present official documents to this House. At that moment, I had no knowledge that any official documents existed; but I had known General Butler for twenty-five years. I knew his faults; I knew his virtues; I knew his failings; I knew his capacities; I knew that, in a transaction involving \$50,000, he had evidence incontrovertible as to the position he occupied. And when I approached him, as I did last evening, without any suggestion from him, and reported to him in brief the statements that had been made on this floor, and said to him, that, if he had any documents to present to the House, I, as his Representative, should be happy to be the means of communicating them, he opened his letter-book, and showed to me the two letters—the one addressed to the gentleman from New York, and the other to the Speaker of the House. He said that both were written at the same time; and they appeared on the letter-book in their proper position, only that the copy of the letter to the Speaker preceded that of the letter to the gentleman from New York. At the same time, I had the boldness to meet there Captain Clarke, who was in the uniform of the Republic. I know that if he had worn gray uniform when he approached the gentleman from New York, that gentleman would not have been so affrighted. I asked him to state what he knew about the matter. He said:—"I wrote the letters at the same time, on the same day, from the dictation of General Butler; and they were recorded just as they appear."

A single word now in reference to a matter on which I do not propose to spend much time—the affairs at Norfolk. The gentleman [Mr. Brooks] did not present, yesterday, any evidence whatever as to General Butler's transactions at Norfolk. I shall not, therefore, spend much time over it; but, when I approach the greater subject, the House will see, and the country will see, that any statement of his, without testimony, as to the transactions of anybody, cannot be believed by

the country. I say, from an inquiry this morning, that the records of the War Office furnish no testimony whatsoever impeaching General Butler's reputation or conduct in reference to trade transactions in the District which he has lately commanded.

Now, Mr. Speaker, I come to the testimony in reference to the \$50,000 transaction in New Orleans. I ask the attention of the gentleman from New York to one point, because, when I have presented the evidence, I shall put to him a question on my own responsibility as a member of this House, as a Representative of a district, as a citizen of this country interested somewhat in the reputation of a man who is already historical, and who, since the administration of Hastings in India, has had a larger command and greater interests of the country placed in his hands than almost any other person, and I shall expect a definite and distinct answer to that question; and therefore I put him on his guard at this early moment. The question I shall put to him is (asking the Clerk first to read the extract from the gentleman's speech, which is contained in General Butler's letter), whether he reaffirms the statement which he made, or whether he retracts it? And according to the course which he takes shall be mine as to some observations which I will then submit.

The gentleman from New York laid before the House yesterday what he calls a "deposition" of one Samuel Smith, which turned out to be an affidavit *ex parte*, and not true at that. I have here a letter, signed by the United States District Attorney at New Orleans, and the United States Marshal, dated 12th May, 1864, which, although subsequent to the transactions that are now in question, throws some light on the character of this charge. I ask the Clerk to read them.

The Clerk read, as follows:—

OFFICE OF THE UNITED STATES DISTRICT-ATTORNEY,
NEW ORLEANS, May 12, 1864.

SIR,—By the last mail I received your note of the 23d ult.,

making inquiry relative to the status of Samuel Smith & Co., respecting their loyalty. As I left this city soon after the commencement of hostilities, and remained in Washington City till May of last year, I cannot speak from personal knowledge. Having made diligent inquiry, however, I learn that Mr. Smith was a sympathizer with, and an aider and abettor of, the Rebellion, while it was in power here. The firm were the agents for the confederate loan; and their books and blanks are still in the upper room of their former banking-house, on Camp Street, in this city,—showing their agency, as above stated. The general reputation of Mr. S. Smith was that of an enemy of the United States, before the arrival of General Butler, and for some time afterward. Andrew W. Smith, his only partner, was even more bitter in his disunion sentiments.

My information is derived from gentlemen of the highest standing, constant loyalty, and continued residence here throughout the Rebellion up to this time.

If I can be of any service in preventing impositions upon the Government, such as I am informed have already been practiced by secessionists here representing themselves otherwise in Washington, you have but to intimate it. If you wish affidavits of the statement made above with regard to Samuel and A. W. Smith, composing the firm of Samuel Smith & Co., they shall be forwarded.

I have the honor to be,

Your obedient servant,

RUFUS WAPLES,

United States District Attorney.

HON. WM. WHITING, Solicitor of the War Department.

I concur in the correctness of the foregoing statements relative to Messrs. Samuel Smith & Co., from my own personal knowledge.

JAMES GRAHAM,

United States Marshal.

Mr. BOUTWELL. I have caused that to be read as furnishing a basis in evidence for the seizure of the money in question. The affidavit of Samuel Smith says:—

“The statement that ‘this gold was condemned by a military commission as the proceeds of the robbery of the United States mint at New Orleans,’ is without a shadow of truth, is utterly malicious, and is in every syllable basely false.”

I hold in my hand the order of Major-General Butler, constituting a commission. I have also the evidence taken before the commission; also the award of the commission. Although the \$50,000 was not condemned as being the proceeds of the property of the Treasury of the United States, and in that respect the statement of Smith is true, it was, nevertheless, condemned in consequence of the conduct of Smith in his transactions with the Confederate officers at New Orleans. I ask that the Clerk shall read the document which I now present; but before it is read, I will state that Farragut passed the forts at the mouth of the Mississippi River, I think, on the 24th day of April. On the 2d day of May, General Butler took possession of the city of New Orleans. Although I have not the date of the seizure of this money, it was at some time between the 2d day of May and the 12th day of June, when the order was issued constituting the commission.

The Clerk read, as follows:—

NEW ORLEANS, June, 1862.

GENERAL,—We have the honor to submit the following report of the proceedings, evidences, and findings of the commission authorized by the following special order:—

[Special Order, No. 96.]

HEADQUARTERS DEPARTMENT OF THE GULF,
NEW ORLEANS, June 12, 1862.

A commission composed of General Shepley, military commander, Dr. W. N. Mercer, and Thomas J. Durant, Esq., of New Orleans, is ordered to hear and determine whether there

is reasonable cause to believe that the specie and property seized by the United States in the banking-house of Samuel Smith & Co. is the property of the Confederate States, or of any department or office thereof, or whether said specie and other property has been used in any way to aid the Confederate States, or any officer thereof, in concealing any property of the Confederate States, or whether said Samuel Smith & Co. have in any way so acted in behalf of this rebellion as ought to cause the further detention of said specie and other property for hearing before the Department at Washington.

This board to sit at the expense of the parties claimants, it having been ordered at their request. Captain Peter Haggerty is appointed recorder for the commission.

By order of General Butler.

R. S. DAVIS,

Captain and A. A. G.

In obedience to the above order the board met on the 15th of June, at half-past seven o'clock, at the St. Charles Hotel.

Present: General Shepley, W. N. Mercer, and Thomas J. Durant, commission, and Captain P. Haggerty, recorder.

The parties being present with the witnesses, the claims of the United States authorities to hold the property mentioned in said order, the admitted facts in relation to said property, as well as the reasons for making said claim, were presented by Major-General Butler.

The following affidavit of Marcelin Esnard was then read, namely:—

I, Marcelin Esnard, of lawful age, do depose and say, that, on the day Mr. Guirot went away (April 24, 1862,) with the specie of the mint, I took \$50,000 in gold from Mr. Samuel Smith, on his order, which order is exhibited to me here. A few days before that (four or five days), Mr. Guirot, having a quantity of silver which he wished to change into gold for the convenience of carrying away the specie, procured Mr. Smith, director of some bank, to have this bank take the silver and

give gold for it, which the bank did, and I received it from Mr. Smith, as by receipt shown me here, and carried it to Mr. Guirot, and he carried it away with him, and on the same day gave me the books of the mint, which were captured at my house.

M. ESNARD.

Then came before me the above-mentioned M. Esnard, and swore that he told the truth, the whole truth, and nothing but the truth, in reference to these proceedings.

BENJ. F. BUTLER,

Major-General Commanding.

And here the government rested their case.

Messrs. Samuel Smith & Co. then proceeded, through A. L. Rozier, Esq., to state their side of the case, and recite the following statement of Jacob Staub, namely:—

Jacob Staub, being duly sworn, says that he is the porter of the Canal and Banking Company; that on or about the 23rd of last month, by order of the president of said bank, he received from the mint \$50,000 in silver coin, ten boxes of which, each containing \$1000, he placed in the adjoining banking-house of Samuel Smith & Co., who were aiding the bank in the redemption of their bills, and that Samuel Smith & Co. returned to the Canal Bank four of the said boxes, containing each \$1000, and \$6000 in their bills, which they had redeemed; the residue he placed in the said Canal Bank; that during the day Mr. Guirot, the assistant treasurer of the mint, called at the bank, and he [Jacob] requested Mr. Guirot to send for the gold which he had been ordered by the president of the bank to deliver to him in exchange for the silver received, which Mr. Guirot promised to do. At two o'clock, when the bank closed, the gold was not sent for, and he, by order of the president, placed it in the banking-house of Samuel Smith & Co., who usually kept their banking-house open later in the

day than the incorporated banks, to be delivered to Mr. Guirot when called for.

JACOB STAUB.

Sworn and subscribed before me, this —— day of May, 1862.

D. F. MITCHELL,

Justice of the Peace.

And also called Jacob Staub, who testified as follows, to wit:—

“Am a porter, employed in Canal Bank. We received the money in April. An officer of the mint, I think it was, said Mr. Guirot sent him with the money. I gave Smith ten boxes of it, and the rest was to be used (as small) in paying the small notes of the bank. On the 23d, Smith gave four boxes back to us. Guirot came next day; he said, “Will you give me that money in gold?” I told him I had \$50,000 in gold, and he could take that; said he would come at two o'clock. The gold was rolled into Smith's window, and the porter told him it was Guirot's money. On Saturday, the 19th, we had only silver for an hour or so. On Tuesday morning I heard arrangements had been made with the mint for the specie. The bank was crowded. I think we got a little silver from Mr. Barker's bank. I know that ten boxes went to Mr. Smith, and that four were returned to us. I think the 23d was Wednesday. The silver came in on Tuesday and Wednesday; think we got \$50,000 on Wednesday about eleven o'clock. Mr. Guirot told me he wanted the gold, and would come for it before two o'clock. I saw the gold rolled into Smith's; it was done up in bags, and then put in a keg. Mr. Guirot did not know that we were going to put it into Mr. Smith's. On the 22d and 23d, Smith had a pretty large amount of gold. I think he sent into our bank a check for \$37,000; the paying teller and myself did the paying out. I did not know that Smith had a large amount out on the 22d. I saw him about the bank three or four times that day, and I know that some money was going into Smith's.

"I cannot tell who brought the large check of Hewitt, Norton & Co., or who it was paid to; I did not know of any other large amounts paid to Smith & Co. about that time; I have no recollection of paying the large check or setting aside the coin to pay it.

"Bank began to pay specie, Saturday, April 19th; Monday and Tuesday, specie began to run short. On Wednesday, the president or cashier told me that money would come from the mint. I understood, next morning, from the officers of the bank, some more money would come; gave no receipt for it (\$25,000), which came first; I was not asked for a receipt the next day; I know Mr. Guirot very well; he came in about two hours after we had the specie. I received orders from our bank officers to pay to Guirot the amount in gold. He came in about eleven o'clock; did not take it then, but said he would come for it at two o'clock. The money we put into Mr. Smith's, because he was close by the bank; I staid that day as late as six or seven o'clock, and Mr. Guirot did not come; I think it was the 23d, Wednesday."

The affidavit of Mr. J. Rathbone, president of the New Orleans Canal and Banking Company, was then read, as follows, to wit:—

Mr. J. Rathbone, president of the New Orleans Canal and Banking Company, being duly sworn, says that Mr. Samuel Smith, a director of the bank, called on him on about the 22d of April, 1862, to know if the bank would give gold for silver, stating that Mr. Guirot, of the mint, was desirous of making the exchange; and that he, on the part of the bank, told Mr. Smith that, as the bank had little or no silver, and the gold in the vault then ready to pay out was in twenty-dollar pieces, it was difficult to pay amounts under twenty dollars. The bank would make the exchange to the amount it should pay out. Then Mr. Smith told the deponent that his firm would redeem the notes of the bank in silver to aid in satisfying the run on the bank for the redemption of its notes,

and that this deponent was informed by the clerk or porter that the bank and Samuel Smith & Co. had thus used of the silver to the amount of \$50,000, which he ordered handed over to Smith & Co., in gold.

J. RATHBONE.

Sworn before me, this —— day of May, 1862.

D. F. MITCHELL,
Justice of the Peace.

Mr. Rathbone was then called as a witness by Samuel Smith & Co., and testified as follows:—

“I am president of the Canal Bank, and did not make any arrangement with Guirot for the gold. My impression is, that I told some one that I thought it best to put it into Smith’s office. This gold was put into bags of \$5,000, and then put into kegs; but not in bags constructed for our bank. I do not think the bag was sealed; I have no personal knowledge of the payment of Hewitt, Norton & Co.’s check; I do not know anything of the \$50,000 afterward; my impression is, that the transaction was on the day preceding the passage of the forts by the United States forces; I do not know that any receipt was given for the silver; they told me that \$50,000 had been paid out; I told them to pay it out with a keg of gold. Before we began to pay specie there was no consultation by the Board of Directors as to when the bank should obtain its supply; I think Mr. Smith told me he would supply us; I think we had it of him before we heard of Guirot.

“My impression is, that Mr. Smith asked if I would take some silver; that he would get some of Guirot. I said, yes, so far as we wanted it, and we would pay for it in gold. I do not recollect whether anything was said between myself and Mr. Smith as to the object for which Mr. Guirot wanted to change the coin. Mr. Smith told me, as I understood him, he wanted it in smaller compass, in case he wanted to send it away. This was my impression. We must have used Mr. Smith’s money before it (this coin) came from the mint.”

The affidavit of Samuel S. Booth was then read, as follows:

Samuel S. Booth, being duly sworn, says that he is a clerk in the banking-house of Samuel Smith & Co.; that they were employed in assisting the Canal Bank in paying out specie for their bills; that their silver running short, Mr. Smith procured it from others during hours of business. Mr. J. Guirot came to the bank and had a conversation with Mr. Smith on the 22d or 23d of April last, and when Mr. Guirot left, Mr. Smith remarked that the Canal Bank was to give \$50,000 in gold, soon after which the silver came up on a cart, and most of which went into the Canal Bank, the residue into the banking-house of S. Smith & Co., for the mint, which was delivered to Mr. Esnard by me on the following morning, on presentation of the order-book appended.

SAMUEL S. BOOTH.

Sworn to and subscribed this — day of May, 1862.

D. F. MITCHELL,

Justice of the Peace.

Messrs. Samuel Smith & Co. Please deliver to the bearer, Mr. Esnard, the \$50,000 in gold.

Respectfully,

A. J. GUIROT.

APRIL 24, 1862.

Mr. Neville, a witness called by Samuel Smith & Co., testified as follows:—

“I am one of the clerks of Samuel Smith & Co.; keep their books. [Cash book of Smith & Co. exhibited.] I was not present at any one of those transactions. I only know generally that Smith & Co. ought to have the amount of \$64,000, which is set down in the cash account of Smith & Co. of April 23; it is in Mr. Booth's handwriting. I have no knowledge of what amount they should have at any time other than appears on the books.”

And here the court adjourned to meet to-morrow evening, at seven and a half o'clock.

SATURDAY EVENING, June 14.

Met according to adjournment; all the members of the commission and the recorder being present, when the hearing was resumed.

Mr. Neville, being recalled, says as follows:—

“I collected from the Bank of Louisiana, \$2,500; Mechanics and Traders’, \$700; Union, \$500; Canal, \$11,000. The entry in the cash book, except as to amount, was an error of mine. I do not remember of any other large amount of gold coming in on that day or 22d April. I know that a large exchange bill sterling had been sold; the books show on the 23d April, \$64,000 and odd. We were in the habit of buying and selling coin and bank-notes every day without affecting our capital. On September 16th, we had a specie balance of about \$37,000 and odd. The agreement made by the Canal Bank with Samuel Smith & Co., was, that whatever was due at the time they resumed specie payment they would assume and pay.”

The deposition of C. Bell was then read, as follows:—

Colville Bell, being duly sworn, says, that on the 22d of April last, he received from Sam. Smith & Co. a bill of exchange on London of £6,606, for which he paid Sam. Smith & Co. \$36,700 in gold by giving them a check on the Canal Bank, payable in gold, which is hereto annexed.

COLVILLE BELL.

Subscribed and sworn to before me, this 24th day of June, 1862.

D. F. MITCHELL,

Justice of the Peace.

NEW ORLEANS, April 21, 1862.

CANAL BANK.

Pay to the order of Sam. Smith & Co. (in gold), thirty-six thousand seven hundred dollars (\$36,700).

HEWITT, NORTON & CO.

PER C. BELL.

Mr. C. Bell was then called by Smith & Co., and testifies as follows:—

“I purchased of Mr. Smith a bill of exchange on April 21. I paid for it next day in gold. This was a portion of what was due to Hewitt, Norton & Co.

“Mr. Norton was a director in the Canal Bank. I was directed by the president of the bank to collect my balance in gold. [The above check shown.] I handed it to Mr. Smith. The affidavit was made next day. The check is hereby dated. I went to Mr. Smith and got the check in sterling exchange.”

The affidavit of Lafayette Gual was then read, as follows:—

Lafayette Gual, being duly sworn, says he is a book-keeper in Canal Bank, and keeps the accounts of Hewitt, Norton & Co.; that he knows Samuel Smith & Co. presented for payment on the 22d of April, 1862, Hewitt, Norton & Co.'s check for \$36,700, payable in gold; that said Smith & Co. brought also into the bank Canal Bank notes and gold, and made a settlement with the cashier, and received a keg of gold in payment, said to contain \$50,000; recollects the circumstances from having assisted at its delivery.

LAFAYETTE GUYAL.

Subscribed and sworn to before me this 14th June, 1862.

D. F. MITCHELL,

Justice of the Peace.

And here the evidence closed. The views of Smith & Co. were then presented by Messrs. Barker and Rozier, and the views of the United States by Major-General Butler.

Here the commission adjourned to meet Monday evening, June 17.

On Monday evening, June 17, the commission met, according to adjournment, and proceeded to the consideration of the case presented, and having heard the evidence on both sides, consisting of admitted facts, affidavits, books of S. Smith & Co.,

of a commercial character, and documents, and also listened to full arguments on both sides of the cause, and having maturely deliberated upon the whole case, has rendered the following conclusions:—

First. The admitted fact that Smith & Co. concealed \$50,000 in gold coin at the time of the approach of the United States forces, and on being questioned as to the same, at first strenuously denied both its concealment and existence—facts that have not in any way been explained by Smith & Co. in the trial—tend to raise a violent presumption that these \$50,000 may be the same which were sent by Mr. A. J. Guirot treasurer, from the mint; and this presumption is by no means weakened by the singular obscurity in which Smith & Co. have left the affair of the other \$50,000 in gold, which apparently was made up by Hewitt, Norton & Co.'s check on the Canal Bank for \$36,700, and the remainder by the payment from Smith & Co.'s own funds. In addition to this, the testimony of Staub, compared with that of C. Bell, brings the two transactions, if two they were, of the two kegs of specie upon the same day, or possibly consecutive days, and the whole of the testimony on Smith & Co.'s side so far would go to raise a presumption that the \$50,000 lot of gold seized by the United States is the same that Guirot sent silver for from the mint; and if it stood uncontradicted, the commission would feel bound to declare that there was reasonable ground for holding it as being the same.

But the commission has before it, on the other hand, the positive testimony of Esnard and Booth, whose affidavits have been allowed to go in without affording the commission the benefit of a *viva voce* examination; and the witnesses swear positively that the keg of gold promised to Guirot was actually taken away by Guirot's agents from Smith & Co.'s banking-house. This positive testimony the commission feels bound to regard as outweighing all the suspicious circumstances which tend to show identity, and therefore determines that there is no reason-

able cause to believe that the specie and property seized by the United States in the banking-house of Samuel Smith & Co. is the property of the Confederate States, or of any department or office thereof. Having come to this conclusion, from the evidence upon the question of the identity of gold seized and that destined for Guirot in exchange for the silver he sent from the mint, the commission has heard no evidence going to show that the said specie and other property has been used in any way to aid the Confederate States, or any officer thereof, in concealing any property of the Confederate States. Having thus disposed of the first and second points, the commission now proceeds to the last, to inquire whether said Smith & Co. have in any way so acted in behalf of this rebellion as ought to cause the further detention of said specie and other property for hearing before the Department in Washington. It was in evidence before the commission, by the testimony of Rathbone, president of the New Orleans Canal and Banking Company, that Samuel Smith had informed him, on or about the 23d of April, that inasmuch as the bank was drained of silver coin, and needed a large amount to pay off its bill-holders, \$50,000 could be procured from him by Guirot, the treasurer of the mint, for a like sum in gold, and that Guirot had informed him he wished to change the silver for gold, in order that he could more conveniently carry it off.

This conversation with Rathbone, in the view taken by the commission, fixes upon Smith a knowledge of the design entertained by Guirot of withdrawing the money in the mint from the reach of the United States, and shows further that Smith, being a director of the bank, by making with it the arrangement on behalf of Guirot, directly aided the latter in carrying off the funds of the mint, and so assisted in thwarting the military operations of the United States. Whether any or what penalty is now, or will be by law, attached to such conduct, the commission do not know. They think that under no circumstances can it possibly exceed the amount which Guirot

was assisted to carry away, and therefore that all specie or other property seized beyond the \$50,000 in gold should be released, and that with regard to such surplus there is no cause for further detention. With regard to the \$50,000, the commission thinks there is ground for detention until the proper Department at Washington can be heard from.

G. F. SHEPLEY.

THOMAS DURANT.

W. NEWTON MERCER.

The undersigned, having by their judgment done all that by the strict requirements of law they felt themselves bound to perform, would now beg leave most respectfully to submit, that in their opinion as citizens and men, in consideration of the penance Mr. Smith has already undergone, it seems proper to them to suggest to General Butler, that, in the exercise of his discretion, he should, in laying this matter before the proper department at Washington, recommend as advisable a lenient course, looking toward a restoration of the money in case such action should not be inconsistent with law, or such other form of recommendation as the General might think proper.

G. F. SHEPLEY.

THOMAS J. DURANT.

W. NEWTON MERCER.

MAJOR-GENERAL BUTLER, commanding Department of the Gulf.

Mr. BOUTWELL. It will be borne in mind, Mr. Speaker, that this award was made and submitted to Major-General Butler, on the 17th day of June, 1862. The gentleman from New York, when questioned yesterday by my colleague [Mr. Gooch] as to whether General Butler had made any report to the Department in reference to this \$50,000 in gold, said that no report had been made until the suit was threatened. It will appear, from the documents which I shall have the honor to

submit, that the first letter from the attorney of Smith to General Butler was dated February 29, 1864. I have before me, and I shall ask the Clerk to read, a communication from General Butler to the Secretary of the Treasury, dated the 2d of July, 1862, at his headquarters in New Orleans, fifteen days after the award was made. The gentleman from New York, who comes here to arraign a man who has sacrificed the comforts of home, a lucrative profession, the esteem of his friends, his standing in the community, and exposed himself to the perils of war, and has done service in the cause of the country, while we — I do not say the gentleman from New York alone — while we sluggards have done nothing; the gentleman from New York, who comes here to arraign such a man, does not even take the pains to inquire whether the statements which he makes are false or true.

The Clerk read, as follows: —

HEADQUARTERS DEPARTMENT OF THE GULF,
NEW ORLEANS, July 2, 1862.

SIR,—Will be found inclosed herewith minutes of the doings of a commission to inquire into the seizure of the specie of Samuel Smith & Co.

The finding is, that the case should be sent to the Department for investigation. I should have sent the specie (\$50,000) to you, but this remarkable state of things exists: two paymasters came down here with \$285,000, too little money to pay the troops of the department, some of whom have not been paid for six months, and they and their families are suffering for their just dues, which, from the inefficiency of the pay department in not making proper requisitions, has not been furnished them. I shall, therefore, appropriate this \$50,000 toward the payment of the troops left unpaid, one of which is a western regiment not paid since December, and a Maine one not paid since October. I shall borrow of one of the banks here \$50,000 more in gold (I cannot get Treasury notes), upon my own order, and pledging the faith of the

government. This I have promised shall be refunded in gold in sixty days, with interest at the rate of six per cent. per annum, and trust that pledge will be made good, as I shall have to suffer the loss. I shall also obtain of Adams & Co. here, \$50,000 in Treasury notes, or thereabout, and by leaving the allotments unpaid here, but to be paid in New York, I shall be able to have the payment completed. But this only pays the March payment, leaving two months still due. May I ask, therefore, that my draft of \$——, in favor of Adams & Co., be honored, and a future draft not exceeding in all \$50,000 be honored at sight, so that Adams & Co. can send forward the remittances to the soldiers' wives which have been used here to pay others, and that \$50,000 in gold be sent me to repay that which I have borrowed? I could not let my soldiers go longer unpaid. It was injuring the credit of the government with our foes, and breeding sickness and discontent among my men.

Trusting that this action will meet approval in the emergency, I am most truly yours,

B. F. BUTLER,

Major-General Commanding.

HON. SALMON P. CHASE, Secretary of the Treasury.

Mr. BOUTWELL. I may state, Mr. Speaker, that this \$50,000 in gold was taken by General Butler, at a time when there was no considerable difference between gold and paper. In the exigency which existed, he loaned it to the paymasters of New Orleans. When they received funds from the government, it was returned to him; and it was twice used in that way for the purpose of relieving the claims of the soldiers upon the government; and it was finally left in the hands of General Butler.

I ask now that a memorandum which accompanied General Butler's account to the War Department, which was in February following, shall also be read to the House.

The Clerk read, as follows : —

Memorandum to accompany the accounts filed in the War Department.

In the matter of the item of \$59,855, taken from Samuel Smith & Co., bankers.

This money was seized from Smith & Co., upon the belief that it was either the identical money taken from the United States mint by the rebel superintendent, or else gold exchanged by him for silver which was paid out by the Canal Bank after the fleet passed the forts, and by Smith concealed by being bricked up in the rear of the vaults of his banking-house. By agreement with Mr. Smith, the questions of this seizure were submitted to a commission of Governor Shepley, Dr. Mercer, president of the Louisiana Bank, and Thomas J. Durant, Esq., a leading lawyer of New Orleans. A protracted hearing was had, and full examination of evidence by council in behalf of the claimants, and report made that all but two kegs, containing \$50,000, be returned to Smith & Co., which was done; but as to the \$50,000, that should be held by the United States, subject to the disposal of the Government at Washington. This report was forwarded to the Secretary of the Treasury (see my letter enclosing same). In the absence of funds to pay the troops, some of whom had been six months without pay, upon the decision of the commission, this, with other moneys, were turned over to the paymaster, Major Hewitt, to pay the troops, and his receipt taken. When the money came for payment of the troops, this amount was replaced in my hands by the paymaster, and is now held for the use of the United States.

Smith & Co. are both active rebels, and have returned to their allegiance. They have threatened to hold the General making the seizure personally responsible for this amount, and he only desires such order may be made as will, if the United

States receive the money, relieve him from personal responsibility.

All of which is respectfully submitted.

BENJ. F. BUTLER.

WASHINGTON, D. C., February 11, 1863.

MR. BOUTWELL. If I were to stop here, Mr. Speaker, the charge of robbery made by the gentleman from New York would have failed entirely. Within fifteen days after the award of the commissioners, as appears from incontrovertible testimony, the circumstances were reported to the Treasury Department, and subsequently were made known to the War Department. The suggestion was made by the General, that, if the War Department would relieve him from personal responsibility, the money would be placed in the hands of the government; and it will appear, from the testimony which is to be herewith submitted, that the War Department refused to relieve General Butler, or receive the money; and he has been compelled, from that day to this, to keep it, in order that he might save himself from personal responsibility either to the government or to Samuel Smith.

I now present, and ask the Clerk to read, the correspondence between Mr. Pierrepont, counsel of Mr. Smith, and General Butler.

The Clerk read, as follows:—

TREASURY DEPARTMENT, February 29, 1864.

DEAR SIR,—Samuel Smith, of Saratoga County, New York, formerly private banker in New Orleans, has a claim for \$50,000 in gold used by General Butler, in 1862, for payment of his troops in New Orleans. I write this in the Treasury Department, with the letter of General Butler to the Secretary before me; it is dated July 2, 1862. It was supposed by the Secretary that, as the letter of General Butler stated that the money was used to pay the troops, that the credit for that

\$50,000 would be found in Paymaster-General's or Auditor's office. I have this day been over the accounts with the clerks, and no mention of the money appears. Will you do me the favor to say, to what paymaster this money was given, and in what accounts this \$50,000 should appear? I am the counsel of Mr. Smith, and the Paymaster-General suggests this as the quickest way to learn what paymaster had the money. Your letter of July 2, 1862, only states the fact that the money was paid to your troops, without naming this, what paymaster.

The accounts of Hewitt, Sherman, Locke, and Usher, have all been examined, and we find no account of it. Will you do me the favor to reply to this at my residence, 103 Fifth Avenue, New York City, and much oblige,

Yours, very respectfully,

EDWARDS PIERREPONT.

MAJOR-GENERAL BUTLER.

TREASURY DEPARTMENT, March 3, 1864.

GENERAL, — When I had the honor to address you on the 29th ultimo, I was not as well advised as now. As counsel for Samuel Smith & Co., whose \$50,000 in gold was taken in New Orleans, and which matter you had referred to the Treasury, together with all the papers, I have had case examined, and have produced Mr. Smith, and had his deposition with others taken here and filed. I had reached the point when I had supposed the money would be paid over, and the Secretary undertook to find to what credit it stood; and not being able to find out, at the suggestion of the Paymaster-General, I wrote to you.

Now I have just learned from the Secretary of War more about the matter. Will you do me the favor to inform me who has the money, and to whom, in your judgment, I ought to look for it, and to whom it rightfully belongs?

I am, very respectfully, your obedient servant,

EDWARDS PIERREPONT,

16 Wall Street, New York.

MAJOR-GENERAL BUTLER.

16 WALL STREET, NEW YORK, March 15, 1864.

GENERAL, — Two weeks ago this day, I wrote from Washington to learn where the \$50,000 in gold, taken from Samuel Smith & Co., New Orleans, now is. I wrote with yours of July 2, 1862, directed to the Secretary of the Treasury, before me, in which you speak of this gold; the letter is now on file, with the report of Governor Shepley and others. I am Samuel Smith's counsel. Will you do me the favor to say, what was the disposition of Mr. Smith's gold, where it is, and to whom, in your judgment, it rightly belongs?

I also addressed you a second letter on the same subject. As I have no reply from either, I fear that you may not have received them.

To avoid accident, I will send this in duplicate, and very respectfully await your reply.

Ever your obedient,

EDWARDS PIERREPONT,

Counsel for Samuel Smith.

MAJOR-GENERAL BUTLER,

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
FORT MONROE, March 21, 1864.

EDWARDS PIERREPONT, Esq.:

I am in receipt of your letter in regard to the money alleged to be of Samuel Smith & Co., bankers, at New Orleans, up to the time of the capture of that city by the United States forces. As you are aware, I am in the field, and have, therefore, no books or papers with me relating to former transactions, and was obliged to wait until I had examined some memoranda before I could make as full an answer as I could wish. This must be my apology for the delay in answering your letters. I am now without dates and amounts; but the facts, and the order of sequence, I am quite sure, will be without mistake.

The case of Smith & Co. was as follows:— Within a few days after my arrival in New Orleans, I received information that the director of the United States mint, before the appearance of the United States fleet, had fled up the Red River with Governor T. O. Moore and a portion of the mint, and some of the New Orleans banks. That he had deposited with Samuel Smith & Co., bankers, whose place of business was next door to the Canal Bank and banking-house, \$50,000 of the specie which belonged to the United States. Upon further examination, it appears that the mint director, finding the silver bulky to carry away, had placed a large sum with Smith & Co., who had loaned it, or a portion of it, to the Canal Bank, which during some days just before the taking of the city of New Orleans had been redeeming its circulation in specie: that this silver had been paid out by the bank to its customers and bill-holders: that Samuel Smith & Company had received for specie \$50,000 in gold, in two kegs, either from the director or bank, which being simply in exchange for the money of the United States, was, of course, the property of the United States, — Smith & Co. having this idea of concealing the stolen specie of the United States. Thereupon I caused Samuel Smith & Co. to be brought before me for examination, and in the most solemn manner they denied as well the exchange of the silver as the possession of the gold or silver: knew not where there was any concealed, or conveyed away: owned that their books would show that they had no gold of any amount. I ordered their books and papers to be seized and examined. Finding upon the books, which had been altered and erased for the occasion, that the firm had a quantity of gold, although by no means the amount of \$50,000, and feeling sure of my information, I ordered Smith to be sent to Fort Jackson. Smith thereupon confessed that the whole story, therefore, had been a lie, and that he had bricked up, in the air-space between his safe and the wall of his counting-house, a large amount of gold and silver. Upon sending there, we

found the two kegs of \$25,000 each we were in search of, and some bags of gold and silver, amounting to some fourteen or seventeen thousand dollars more, some of which corresponded with some of the entries on Smith & Co.'s books. I thereupon seized the specie, and held it for the use of the Government.

Afterward, Mr. Jacob Barker applied to me for a hearing upon the question of property, and whether there was probable cause for holding this gold as the property of the United States. I appointed a commission, consisting of General Shepley, military governor, Dr. Mercer, president of the Bank of Louisiana, and Thomas J. Durant (I believe), an eminent lawyer of New Orleans, to adjudicate and determine these questions. A full hearing was had, witnesses were examined, books produced and examined, and counsel heard in arguments. I remember the president of the Canal Bank was examined, and made a very lame explanation of how Mr. Smith got this money out of his bank, and of the way he borrowed silver of the mint. Smith's brother was also examined, who gave a still more lame account of the alteration of the books, and why there appeared in the cash account about that time so many thousand dollars' worth of *lead*, and on the next page so many thousand dollars' worth of "TIN." Suffice it to say, that after a laborious examination, the Board reported, that the fourteen or seventeen thousand dollars of specie was the property of Smith & Co., and should be given up to them, and that there was cause for holding the two kegs of \$25,000 each. This report, with the accompanying documents, was thereupon forwarded to the Treasury Department at Washington. All the smaller sums of fourteen thousand dollars or so, and papers, were returned immediately to Smith & Co., with the exception of about thirteen hundred dollars, about which a dispute arose between Smith & Co. and my officers, they avowing that they had never received the amount, while Smith claimed that they had.

Afterward, before I left New Orleans, in order that there

might be no just cause to suspect the integrity of my officers, I paid Mr. Barker (Smith's counsel) the sum in dispute, and took his receipt. In the meantime my troops had remained unpaid for more than six months, and, although repeated requisitions had been made on the Treasury, still the money had not been transmitted. Believing that this gold belonged to the United States, as I now believe, and there being no difference at that date between gold and treasury notes in New Orleans, and but little anywhere, for reasons stated in my reports to the Treasury I turned over this gold from time to time to my paymasters, to be paid out to the troops, and it was done; and when afterward they got funds they repaid me, and, indeed, I believe it was advanced to them and returned more than once. The reasons why, probably, you cannot find that gold, "*eo nomine*," in the accounts of Majors Hewitt and Usher, was, that no difference was made in paying the troops between that and treasury notes, and therefore receiving it and returning it when they had funds, there would be no appearance of it.

You will find, therefore, in my accounts settled at the War Office, that I have charged myself with that amount of \$50,000, and made myself responsible to the Government for it in a final settlement of my account, taking care that any supposed rights of Smith & Co. should be preserved by a written statement filed with the accounts in the War Office as well as my report to the Treasury. In the usual case of a disputed claim I should hardly have felt myself called upon to answer to the counsel of one party to have given so full a statement of facts; but, having taken this money as an executive officer of the Government, I have felt it my duty to make full expositions of all the facts, so far as they have come to my knowledge and are now within my recollection. I may, however, be permitted to add a single fact, which will perhaps be no information to their counsel, — that the two brothers, Smith & Co., were both bitter, active, and unrepenting rebels, who refused to take the oath of allegiance so long as I remained in New Orleans, and

one or both, I believe, went to Canada to reside. If you should desire any other questions answered in this regard, you have only to propose them, and if you will give me opportunity to go to books and papers, I have no doubt but I can give you sums and dates.

I have the honor to be, very respectfully,

Your obedient servant,

B. F. BUTLER,

Major-General Commanding.

MR. BOUTWELL. Following that letter was another from Mr. Pierrepont, which I ask the Clerk to read, as well as the answer of Major-General B. F. Butler.

The Clerk read, as follows:—

16 WALL STREET, NEW YORK, March 26, 1864.

MY DEAR GENERAL,—I am very truly obliged by your satisfactory letter received this hour. It fully explains the delay, by which I have been a little annoyed. Pardon this suggestion: why not pass over the money to the War Office or to the Treasury, and leave me to such remedy there as the government may think fit?

They now say the money is not in their hands. Please let me hear upon this.

Very truly yours,

EDWARDS PIERREPONT.

MAJOR-GENERAL BUTLER.

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
FORT MONROE, March 28, 1864.

DEAR SIR,—Your note of the 26th instant is received, and I am glad to be able to answer it speedily. I am much obliged for your suggestions. When I settled my accounts at the War Office, the question of what shall be done with this money of Samuel Smith & Co. came under discussion, and I then said to the Secretary of War, that, as a lawyer, I supposed that I might be held personally for the sum, and that if he would give

me an order to pay over the money to the War Office, in such form to release me from responsibility if hereafter called upon by Smith & Co., I should be glad to pay the money over. He doubted whether this could be done, and suggested the money might lie in my hands until the Department was called upon for it, and that a proper memorandum should be put on file, so that Smith & Co.'s rights, if they had any, should be preserved as well as my own. There is no difficulty in dealing with the money now in the same way.

If the War Department directs an order to me to pay the money, either into the Treasury or contingent fund of the Department, and Smith & Co., acting under your advice, will give me a memorandum stating that such payment shall relieve me from personal responsibility, I will give a draft for the amount on the Assistant-Treasurer of the United States that will be honored at once.

I think it but right, however, that my first letter to you, stating the facts of the capture of the money, should be laid before the War Department, for its information, before any order is made on the subject transferring the funds to Smith & Co.

I have the honor to be, very respectfully,

Your obedient servant,

BENJ. F. BUTLER,

Major-General Commanding.

HON. EDWARDS PIERREPONT, New York.

P. S. Since writing the above note, I have received from my clerk a copy of the memorandum filed at the War Office at the time of the settlement of my accounts of which I have.

Mr. BOUTWELL. I ask that some further correspondence be read.

The Clerk read, as follows:—

16 WALL STREET, New York, April 1, 1864.

MY DEAR GENERAL,—I am very glad to receive your letter of 28th of March. I am not one of your enemies. That mat-

ter will now be adjusted, and I will write you some statement of facts, of which it is evident you are not apprised. Immediately after the seizure of the gold, Smith came here; he was born in Saratoga County, where his mother now lives, and he has been with her here, and in Washington, most of the time since.

He employed Senator Reverdy Johnson and myself as his counsel; as the younger man, I have been the more active. The report of the commissioners which you appointed clearly established, beyond all controversy, that the gold belonged to Smith. The commissioners so report; and the evidence returned with the report abundantly established the conclusion.

These papers, with your letter of July 2, 1862, are now in the Treasury Department, and I have complete copies of them all. I took Mr. Smith to Washington, and his deposition was taken at great length, and is now on file with the other papers. Mr. Smith is a Yankee, born of a Yankee, bred a Yankee, has taken the oath of allegiance, and is as true and loyal as you or I. He has not been in Canada at all; he tried, in the fright and terror which prevailed in New Orleans, to save his property in part. Dr. Mercer, who acted on the commission, is now here. I am truly glad that this matter is about to be adjusted. Not every one who has been in the case has the same desire to have it quickly settled as I have. My own view about the case is this: I think it quite clear that you could not successfully resist a suit in New York brought by Smith to recover whatever damages he can prove. I think the true way to settle it is for you to pay Smith, and take a release, with the assent of the War Department. If you agree with me, I will see that it is done in such way as you shall see is liberal and just. I await your reply.

Ever truly yours,

EDWARDS PIERREPONT.

MAJOR-GENERAL BUTLER.

APRIL 4, 1864.

MY DEAR SIR, — I can only repeat my offer, that whenever the War Department will order the money paid over to your client, and he shall give me a release, my draft for the amount will be forwarded. I am glad to hear that Mr. Smith is loyal. His conversion I trust is sincere. For yourself, I thank you for your expressions of kindness and confidence, and while they are very gratifying indeed to one who has been so much maligned as I have been, yet you will see in this transaction I have so lived as to defy my enemies. Allow me, my dear sir, further to say "*Ex uno disce omnes.*" For a while you will confess to yourself that you doubted my action in this business. I am as willing that every act of my official life shall be as thoroughly investigated as this may be. Therefore you will see, that while I am obliged for the friendly feeling which prompted you to desire this case "quickly settled," still, if those who desired otherwise had had their way, I should have been as well pleased, because conscious of having endeavored to do my duty. An attack upon me in this case would have failed, and thus answered a thousand others to which no reply can ever be otherwise made. Upon the point of law which you suggest, pardon me if I differ from a lawyer so distinguished as yourself. I do not believe that a military commander in a captured city, taking money (contraband of war) which might be used against that officer's army, from an *alien enemy*, can be held liable for the capture as a trespassor for the tort in not returning upon demand which might sustain trover after the enemy became a friend and capacitated to sue. I am inclined to think, that having paid the money to his government would answer the demand. It was to avoid this after question, however (I had no doubt on the first), that I hesitated to pay the money to the government. Still I am rusty at the law, and my opinions are not now, if they ever were, worth much.

Yours truly,

B. F. BUTLER.

16 WALL STREET, October 26, 1864.

MY DEAR SIR, — You leave Mr. Smith no alternative but to commence an action. It is not necessary there be any publications in the papers if you will authorize any attorney to appear for you, but otherwise it is necessary.

I do not wish any publication unless you wish it. Please let me know your attorney at once, if you have one here.

Truly, EDWARDS PIERREPONT.

MAJOR-GENERAL BUTLER.

HEADQUARTERS NEAR VARINA, October 28, 1864.

MY DEAR SIR, — Your note inclosing the summons and complaint in the case of Mr. Smith and brother was received last evening in the field. I hasten to answer.

Although not a resident of New York, or amenable to the jurisdiction of her courts, so that a summons could hardly bring me in, yet I shall at once acknowledge service, and instruct my attorney, John A. Hackett, Esq., to make answer. Having done this, I shall rely on your courtesy to allow me a little time to go to Washington to make the following disposition of the cause. When you desired me to assent to a friendly suit, I could make no answer to the proposition, because as an official I could do nothing in any way to compromise the rights of the United States. Now, however, your proceeding *in invitum* leaves me in a different situation, because although I am acknowledging service, still as I must come to New York and can hardly travel *incog.*, you could obtain service, and therefore without prejudice a suit may be considered fairly begun.

I will now apply to the War Department, and ask the government to assume the defense; if that is done, then I have no further interest in the matter; if not, then I am at liberty to arrange with your client, or contest the suit, as I choose, and am left free to negotiate about a matter in which I can have no personal interest except to save myself from cost. So

soon, therefore, as I can get away, which I hope to be in a few days, I will make answer, or will meet you, as you prefer, and be able to state exactly my position on this subject. Of course, the suit, if it goes forward, will be removed into the courts of the United States. You will not need to be told, that these suggestions do not proceed from any desire to delay your clients; but, in fact, to further their interests, if they have any. You will please answer me at once, whether this course will meet your concurrence.

As to publication, I beg leave to repeat to you that I can have no objection to any person knowing every fact connected with this transaction. The most exaggerated stories have been told about it privately, from which I am suffering; but what can I do about it that I have not done?

Respectfully,

BENJ. F. BUTLER,

Major-General.

HON. EDWARDS PIERREPONT, Counsellor-at-Law, 16 Wall Street.

16 WALL STREET, November 2, 1864.

MY DEAR GENERAL, — Yours received, and satisfactory. You have been a General since you were a lawyer, and when you speak of jurisdiction, I think you have not read our recent statute.

We have a way to get *jurisdiction* not like old way; but that is no matter. I will show you when we meet. Your proposition is satisfactory, and I shall confer with your attorney.

I send you my speech.

Yours,

EDWARDS PIERREPONT.

MAJOR-GENERAL BUTLER.

Mr. BOUTWELL. Mr. Speaker, the last letter indicates that General Butler was about to apply to the War Department for leave to pay over the money, and that the Department should assume the responsibility of the defense. I now lay before the House his letter to the Solicitor of the War Depart-

ment, and the reply of the War Department, which will close the papers on this branch of the case.

The Clerk read, as follows:—

HEADQUARTERS DEPARTMENT VIRGINIA AND NORTH CAROLINA,
FORTRESS MONROE, VA., November 28, 1864.

MY DEAR WHITING, — I inclose herewith to you a note to the Secretary of War, in relation to the matter of Samuel Smith & Co., bankers, of New Orleans.

I think it a clear case for a test question, and hope the government will defend it. Please bring the paper to the notice of the Secretary, and get his permission to allow me to publish the note in my own justification.

Although somewhat thick-skinned to newspaper attacks, yet some of my good and true friends are writing me that I ought to explain the facts, and I know no better way to do so than by such publication.

If I may rely upon those friendly relations which exist between us, upon you to procure this to be done, you will add another to the many obligations under which I am to yourself.

By the by, why do you not come to the "front" and see how war is actually carried on? I will give you a "plate and a blanket."

Yours truly,

BENJ. F. BUTLER,

Major-General.

HON. WILLIAM WHITING, Solicitor of the War Department.

WAR DEPARTMENT, WASHINGTON CITY,
December 6, 1864.

GENERAL, — I am instructed by the Secretary of War to inform you —

First. That your communication dated at Fortress Monroe, November 28, and addressed to him in relation to the claim of Samuel Smith & Co. against you, was referred to the Judge-

Advocate General for opinion and report on the question of indemnity you ask for.

Upon that reference, the Judge-Advocate General reports:

"The question of indemnification can not be determined at this stage of the proceedings. Should there be a judgment against the applicant, his rights to be indemnified against it will depend upon the character of his conduct, considered in all its bearing, which has given rise to the suit. This will be best understood when examined in the light of the testimony which will be produced on the trial. If the applicant acted within the scope of his powers, fairly interpreted, his claims to protection against the results of this suit should be allowed. The fact that he has retained the gold seized, and now holds it subject to the order of the Government, is not considered as affecting the right or obligations involved."

This report is approved, and will govern the action of the Department upon your request for indemnity.

Second. In relation to your request for leave to publish your letter to the Secretary of War, the Secretary directs me to say, that no objection is made by the Department to your publication of any statement in regard to the claim of Smith & Co. which you may deem essential for your vindication.

Third. In reference to the information given by you to the Department, a copy of your memorandum in relation to the gold of Smith & Co., seized by you, filed with your accounts and vouchers, in the War Department, is hereto annexed.

I am, General, very respectfully, your obedient servant,

E. D. TOWNSEND,

Assistant Adjutant-General.

MAJOR-GENERAL B. F. BUTLER, Commanding Department of Virginia and North Carolina, City Point, Virginia.

MR. BOUTWELL. Mr. Speaker, this closes the documentary evidence I have to submit to the house in regard to the charge

made by the gentleman from New York [Mr. Brooks]. As far as I can judge of the weight of evidence, it is conclusive in its refutation of this statement made by him.

In the first place, there is no element of the crime of robbery in this transaction, from the beginning to the end. The seizure was made by a public officer, a military commander, in pursuance of what he believed then to be his duty, and what I believe a jury of his countrymen anywhere, on the evidence, would find to have been his duty under the circumstances under which he was placed. He submitted the whole question of the right of property, as far as it could be submitted, to a military commission, and he followed the decree or award made by that commission, and within fifteen days reported the facts to the government, and from that day to this he has always been ready and responsible. He has again and again solicited the Department to take the money and assume the responsibility—either to take it as belonging to the government, or pay it over to Samuel Smith & Co., and relieve him.

I am not here as the defender of General Butler. He has no claim upon me, and I have no obligation toward him, except what I owe to my countrymen whenever and wherever applying for justice. Believing, also, that wherever the slander is made, there, if possible, in that place, it should be exposed, I have volunteered so far as to submit this evidence in this particular case. And I say, further, while I have no information in regard to any other transaction of General Butler, I believe, whenever the issue is made with him in reference to any transaction of his, he will be as clearly triumphant over his enemies as in this day and this place I believe him now to be.

I ask the Clerk to read an extract from the speech of the gentleman from New York; and then I will submit to him the question I indicated at the beginning of my remarks.

The Clerk read, as follows:—

“I am bound to say, that an effort was made by the Federal Government, during the pendency of the late presidential election, to control the city of New York, by sending there a bold robber, in the person of a Major-General of the United States. Robber as he was of the public Treasury, and Major-General of the United States, as he was, he dared not exercise the power given to him to attempt to control the actions of those whom the gentleman calls thieves and robbers in my own city.”

True copy:

H. C. CLARKE,

Captain and A. D. C.

Mr. BOUTWELL. Now, Mr. Speaker, I ask the gentleman from New York, whether, from the evidence which has been submitted to this House, and in view of all the circumstances in the case, he re-affirms the extract which has been read from the Clerk's desk, or retracts it? I yield for a reply.

Mr. BROOKS. Has the gentleman concluded his remarks?

Mr. BOUTWELL. I have not.

Mr. BROOKS. Whenever the gentleman concludes, I shall be happy to make reply. The introduction of his remarks shows that he is not entitled to courtesy. He spoke of me as in sympathy with the secessionists. At the conclusion of the gentleman's remarks, and finding what he has to say, I shall be ready to reply.

Mr. BOUTWELL. I understand, then, that the gentleman is neither prepared at this moment to re-affirm the statement made in that speech, nor to retract it. On this evidence, conclusive as to the falsity of the charge, the gentleman from New York stands silent, and will neither re-affirm the declaration that he has made to this House, and to the country, that Major-General Butler, of the Army, is a gold robber, nor will he, upon this evidence, retract it. Has it made no impression upon him? Does he not comprehend it? Does he yet persist

in allowing that declaration made in his speech to stand upon the record? If he has a name to live, does not the dread of posterity inspire him to do justice to a servant of the country? Is he still silent? Has he no voice to re-affirm what he has declared, or is he yet destitute, shall I say of manliness, to admit that he was mistaken?

I yield to the gentleman from Pennsylvania [Mr. Stevens] whatever may remain of the time allotted to me.

SPEECH ON EMANCIPATION.

[Reported for the Boston Journal.]

A meeting was held at the Music Hall, Saturday evening, February 4th, for the purpose of rejoicing over the passage by Congress of the Constitutional Amendment prohibiting human slavery in the United States forever.

Speeches were made by Colonel Albert J. Wright, Hon. Josiah Quincy, William Lloyd Garrison, and Rev. Dr. Kirk.

The Chairman next introduced General Butler, as one who had done, perhaps, more than any other in this great cause for the freedom of the slave, and who, laying aside all old party prejudices, had stood up manfully for the rights of the contraband.

General Butler was received with the greatest enthusiasm. The audience rose to their feet, and cheered vehemently, the ladies waving hundreds of white handkerchiefs. When the tumult had subsided, he proceeded to address the meeting.

SPEECH OF MAJOR-GENERAL BUTLER.

Almost ninety years since, amid the radiant glories of mid-summer, our fathers assembled to congratulate each other upon a declaration of human rights, which has since been claimed to be a charter to the white man only.

OUR FATHERS SUPPOSED SLAVERY WOULD DIE OF ITSELF.

Seventy-seven years ago, in mid-winter, Massachusetts debated the acceptance of the Constitution of the United States—the solemn compact of assurance to those rights—the most perfect form of government ever devised by man—

but which left uncared for and unprovided safeguards of freedom and equality of right to all men, irrespective of color. Doubtless, our fathers believed that the clear interests of the rising nation would protect it from the then receding weight of human slavery.

NATURAL INTERESTS OF THE SOUTH SUSTAINED IT, AND WE ARE
PUNISHED FOR THE SIN.

But, alas, a single Massachusetts invention — the cotton-gin — opposed the present interests of the individual to the future good of the State, and made the burden — greater than that of the Pilgrim Christian — seem eternal. From that one defect of constitutional law has arisen the most gigantic national sin, followed by the most terrible national retribution with which the Divine will has seen fit to afflict the children of men.

THE EVIL NOW TO BE REMEDIED.

The nation brought to a sense of justice by its chastisement, we are now met to congratulate ourselves upon the first step taken in supplying this omission of the frame of government of '87.

Released from all constitutional obligations to protect slavery, acting upon the frame of government itself, three-fourths of the loyal people of the country will have no difficulty in erasing from their fundamental law this the last blot upon their civilization. (Applause.)

OUR DUTIES AND OBLIGATIONS TO THE NEGRO CONSIDERED.

Amid the joyous scenes of this triumph of the right which animate the hearts of all good men, even now and here it may not be unfit to pause for a moment to consider the duties and obligations under which we find ourselves to this class of citizens, so constituted and declared by this change in our organic law. Laying aside all prejudices, giving up all theories, putting away all predilections, we should approach the subject as

one calling for prompt, active, and efficient justice; at least, to make amends for former long-continued wrongs.

EVERY NEGRO NOW A CITIZEN.

By the final passage of the amendment which we celebrate, every negro slave is made a citizen of the United States, entitled as of right to every political and legal immunity and privilege which belongs to that great franchise. (Loud applause.) He may well say, I am an American citizen. (Renewed applause.) If he may not proudly proclaim with the apostle, "I was free born," yet he can truly claim, as did the chief captain, "With a great sum obtained I this freedom." (Great applause.) Of these rights, or either of them, no man, no combination or confederation of men, can with justice deprive the negro. As a *nation* he is of us, with us, and a part of us, equal in right under the law. (Cheers and applause.)

THE NEGRO HAS ALWAYS HAD EQUALITY OF RIGHT BY OUR LAWS.

To the men of Massachusetts in this so clear and self-evident proposition there seems no difficulty. Since 1789, the colored man in Massachusetts, under the laws thereof, modified only by the laws of the United States, has enjoyed the rights and privileges of every other citizen of Massachusetts. The child goes to the same school. The man partakes of the same employments. The same learned professions—medicine, the bar, the pulpit—are open to him; and, more than all, he carries to the election of his rulers and framing of the laws the equal ballot, which,

—"soft falling
Like the snow-flake on the sod,
Executes the freeman's will,
As lightning does the will of God."
(Great applause.)

PREJUDICE ARISING FROM SLAVERY HAS CAUSED THE NEGRO
TO BE UNJUSTLY DEALT WITH ELSEWHERE.

In other sections of the country, the mind, warped and twisted by the influence of the system of slavery, whose funeral obsequies we are now attending, does not at once comprehend these truths, and admit the force of the inexorable logic of equal rights.

Men, otherwise just and good, have been brought to believe that the negro can have no practical rights as a citizen; no claims to be considered as an integral part of the inhabitants of the country, and is to be treated as if he were an alien. Nay, more, as if he were a beast, and a dangerous beast beside, either to be sent out of the country or to be herded and penned as such, in some remote or unhealthy corner thereof, as not fit to live on the soil which gave him birth, and to which he has every right, and is held by every tie and attachment which bind a man to that portion of earth which he calls home and country.

GENERAL SHERMAN PROPOSES TO SHUT HIM UP IN THE RICE
FIELDS AND ON THE COTTON ISLANDS.

It has been, therefore, proposed to send him away; to herd him in rice swamps or cotton islands, where, alone, he may listen to the sad music of the roar of the ocean surf, not more relentless and unceasing to him than the wrongs of his fellow-man. There to prevent any white man or white woman in the missionary labor of love to visit him. Uneducated, to put him beyond the pale of education; to allow his child never to know the benefit of the common school. Just released from a worse than Egyptian bondage, to make him a colonist, without the implements of colonization or fostering care on the part of the mother country.

MASSACHUSETTS WILL NEVER CONSENT TO THIS.

To any such illogical and unjust treatment of the negro, it

need not be said that the people of Massachusetts will never consent. (Loud applause.)

IT IS UNWISE.

Our material interest and the interests of the country are against it. For two hundred and fifty years, at least, we have been importing the laborer, because we needed labor in this country. The necessity for labor here has caused it to be imported, even to be employed in the wasteful habits of slavery. Shall we, now that four millions of strong hands and willing hearts are made free laborers, productive and profitable, take them from the lands which they have tilled — from the homes in which they have been reared — from their hearthstones, as dear to them as our roof-tree is to us, and send them away to some foreign land, or shut them up in some portion of this, where their labor, if not wholly unproductive and lost, must be unprofitable?

IT IS UNJUST.

Our sense of justice denies it. They have taken up arms freely and willingly in our defense, and we have given them their freedom and rights as citizens.

THERE IS NO FREEDOM IN IT.

What just freedom is it to them to be penned in a corner or to be shut up in a rice swamp, and not be allowed to see the face of their white fellow-citizens, except it may be of a soldier sent as their guard? What true citizenship is it to be deprived of their equal rights in the land their arms have helped to save from the fiery furnace of rebellion, and to be put upon such portions of it only as are not thought to be well habitable by their white fellow-soldiers?

IT IS UNFAIR.

What fair division can it be of the heritage acquired in part

by their blood, to give their white fellow-soldier one hundred and sixty acres of land, to be located where he chooses, "the finest the sun e'er shone upon," to him and to his heirs forever, while to the colored soldier, scarred, perhaps, with honorable wounds, but forty acres of a rice swamp to be allotted, or eight hundred feet front of marsh on a sluggish river, and that a possessory title only?

IT IS NOT STATESMANSHIP.

And yet the distinguished General, who makes this proposition, says: "The young and able-bodied negroes are to be encouraged to contribute their share toward maintaining their own freedom, and securing their rights as citizens of the United States." What encouragement to enlist is this? What freedom? What rights of citizenship for which to shed one's blood, even if it is only black blood? What wise statesmanship ever yet founded a colony from which the young and able-bodied men were taken as soldiers?—where the blacksmiths, carpenters, and the skilled mechanics were taken from the settlement?—and where the respectable heads of families had no inducements held out to them for leaving the homes of their childhood, and making new homes in the wilderness, save a possessory title only, to forty acres of land, not too much out of water?

Under such inducements, under such pupilage, with such restrictions, and with such hopes, even our hardy Anglo-Saxon fathers, who landed at Plymouth, would not have thriven. How much less, then, is the negro, by our wrongs untaught, uncultivated, and without the habit of self-dependence, fitted thus to take care of himself.

IT IS UNCHRISTIAN.

The precepts of our holy religion forbid it. Every benevolent Christian in the land has contributed his mite to send the self-sacrificing missionary to redeem the Pagan from darkness, and yet here it is proposed to erect a *heathenage* upon our

own soil, into which no Christian minister or Sabbath-school teacher, upon their high and holy mission, shall penetrate, if it is their good fortune to have a white face.

MASSACHUSETTS IS FIXED AGAINST IT.

I repeat it again, *Massachusetts is unalterably opposed to any proposition of colonization or segregation of American citizens, made so by this amendment of the Constitution.* (Great cheering.)

THE NEGRO SHALL CONTROL HIS OWN LABOR.

No! We propose, on the other hand, simply to let the negro alone (renewed cheers); that he shall, in fact, enjoy the right of selecting his own place of labor; the person for whom he will labor, if not for himself; to make his contract for his labor; to determine its length and its value; to allow him at least the enjoyment of the primordial curse, "In the sweat of thy face shalt thou eat bread"; restrained only by the laws, applying to him, and to all, alike — as the rain falleth upon the just and the unjust.

HE IS TO BE AIDED TO TAKE CARE OF HIMSELF IN THE SOUTHERN STATES WHERE HE IS NEEDED, AND LET ALONE.

We also accept the fact, that by our injustice to him and his race, he is thrown upon the government, unused to care for himself, unfurnished with means of beginning life anew. And we agree that it is our duty, and the duty of the government, to remedy this injustice; to see to it that he is taught; that he is gradually brought to a state of self-dependence, and independence of others; that he shall have a fair share of the lands that he and his fathers have wrought upon; that he shall be left in the several States where his labor is needed and is productive; and that he be furnished at first with the means of beginning that life which justice, equal laws and equal rights, have for the first time opened up to him and his children forever. And, when this is done, we believe our duty is done;

and that thereafter, so far as governmental interference goes, the negro *is to be let severely* ALONE. (Great applause.)

We believe that he shall work, as every man must work, or become a vagabond. We believe he must be taught, as every man must be taught, to be a good citizen. We believe he must be furnished with the means of beginning life, as every man must be furnished with the means of beginning life, either with education, habits of self-dependence, or with the fruits of ancestral earnings; and when these are given to him, we have repaired in part the wrong we have done him. We may then hope to receive the pardon of the Almighty for the sins we and our fathers have committed toward him.

TILL WE DO THIS THE WAR WILL NOT END.

Failing in this, our duty, we may fear still further chastisement from His hand who has sustained us, as He sustained our fathers, because the bitter cup of purification and chastisement has not yet been suffered to pass from our lips.

As a nation, we have taken the first step in the right direction. We have bowed to the first principles of eternal justice. If we go forward with no halting tread, taking no step backward, we may look with humble confidence, that hereafter our political sky shall be so healthy and so pure that no thunderstorm and torrent will need to be sent to clear the national atmosphere, and to wash away with blood the sins of the people. Unless we do justice, how can we hope for justice or mercy? And although the punishment for a national wrong and national sin is sometimes in wisdom delayed, and wickedness seems for a time to escape punishment, yet,

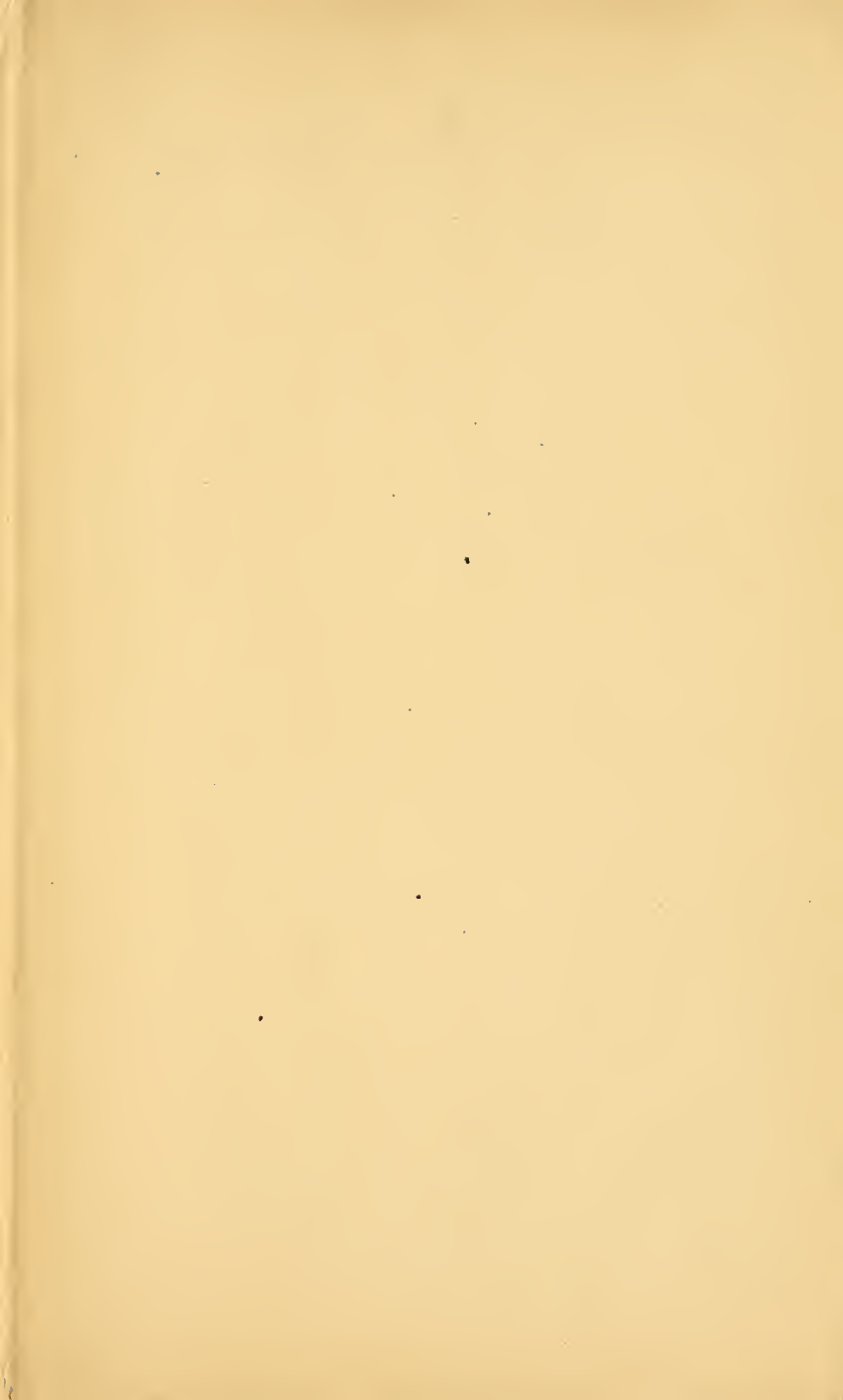
“The mills of God grind slow,
But they grind exceeding fine.”

THEODORE PARKER.—HORACE MANN.

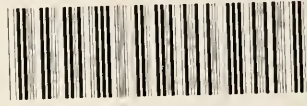
Amid our joyous notes of congratulatory triumph, may we not also pause for a single moment to turn our memories to those pioneers in the cause of justice, of whom we can say,

"Would they had lived to have seen this day." I need not name them; their memories are still green in our hearts, but the names of two flash before us. PARKER, the divine, whose lips ever defended the cause of freedom in this hall! (Applause.) MANN, the teacher, a pioneer of education to an oppressed race. (Applause.) It shall not hereafter be said that Massachusetts is ungrateful; for to the latter, at least, we look forward to the hour when his statue, gracing the front of our legislative halls, shall do honor to him and to our Commonwealth. (Applause.) The two statues, overshadowing the broad entrance to our capitol, making together the full complement of a Massachusetts statesman. One, Conservative, who wisely expounded the Constitution as it was; the other, Progressive, who dared to look forward to the amendment of a material defect of that great instrument, whose passage now peals liberty and equality of right to the world. (Loud and long-continued applause.)





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